

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND
BILL NO. 99-60 (As Amended)

AS AMENDED

Introduced by Council President Hirsch at the request of the County Executive
Legislative Day No. 99-30 Date November 9, 1999

AN ACT to repeal and reenact, in its entirety, Chapter 131, Flood Damage Prevention, of the Harford County Code, as amended; to repeal and reenact, with amendments, Section 2.19, Floodplain, of Section II, Definitions, and to add the definitions of Base Flood (Section 2.04.1), Floodplain District (Section 2.19.1) and One-Percent Annual Flood (Section 2.33.1) to Section II, Definitions; to repeal and reenact, with amendments, Section 4.02, of Section IV, Requirements for the Development of Land; to repeal and reenact, with amendments, Subsections b.6 and b.7, of Section 5.02, Information Required, and Subsection i., of Section 5.03, Approval Procedure, all of Section V, The Preliminary Subdivision Plan and/or Site Plan; and to repeal and reenact, with amendments, Subsection d.13, of Section 6.01, The Final Plat, of Section VI, The Final Subdivision Plan, all of the Harford County Subdivision Regulations; to provide a floodplain management program as required by the Federal Emergency Management Agency; to provide for the ability of the land to store flood waters

By the Council, November 9, 1999

Introduced, read first time, ordered posted and public hearing scheduled

on: December 14, 1999

at: 6:30 p.m.

By Order: James E. Massey, Jr., Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on December 14, 1999 and concluded on December 14, 1999.

James E. Massey, Jr., Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

AS AMENDED

Legislative Day No. _____ Date _____

By the Council, _____

on: _____

at: _____

PUBLIC HEARING

_____, Council Administrator

99-60
AS AMENDED

Section 1. Be It Enacted By the County Council of Harford County, Maryland that Chapter 131, Flood Damage Prevention, of the Harford County Code, as amended, be and it is hereby repealed and reenacted, in its entirety; that Section 2.19, Floodplain, of Section II, Definitions, be and it is hereby repealed and reenacted, with amendments; that the definitions of Base Flood (Section 2.04.1), Floodplain District (Section 2.19.1) and One-Percent Annual Flood (Section 2.33.1) be and they are hereby added to Section II, Definitions; that Section 4.02, of Section IV, Requirements for the Development of Land, be and it is hereby repealed and reenacted, with amendments; that Subsections b.6 and b.7, of Section 5.02, Information Required, and Subsection i., of Section 5.03, Approval Procedure, all of Section V, The Preliminary Subdivision Plan and/or Site Plan, be and they are hereby repealed and reenacted, with amendments; and that Subsection d.13, of Section 6.01, The Final Plat, of Section VI, The Final Subdivision Plan, be and it is hereby repealed and reenacted, with amendments, all of the Harford County Subdivision Regulations, as amended, all to read as follows:

[Chapter 131. Flood Damage Prevention

Article I. Regulatory Provisions

§ 131-1. Title.

This act shall hereafter be referred to as the "Harford County Flood Management Program."

§ 131-2. Findings and intent.

A. Whereas:

(1) Certain areas of Harford County are subject to periodic inundation which results in loss of life and property, risks to health and safety, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief;

(2) Flood losses and associated losses are created by structures inappropriately located, inadequately elevated or otherwise unprotected and vulnerable to floods or by development which increases flood damage to other lands or development;

1 (3) The biological values of floodplains, particularly tidal and nontidal wetlands,
2 can be adversely affected by floodplain development;

3 (4) Harford County has the responsibility under the Flood Control and Watershed
4 Management Act, § 8-9A-01 et seq., Natural Resources Article of the Annotated Code of Maryland,
5 to control floodplain development in order to protect persons and property from danger and
6 destruction and to preserve the biological values and the environmental quality of the watersheds or
7 portions thereof under its jurisdiction;

8 (5) Harford County has the responsibility under the National Flood Insurance Act
9 of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, to adopt and
10 enforce floodplain management regulations which meet the requirements of 44 Code of Federal
11 Regulations, Parts 55-77, et seq., in order to participate in the National Flood Insurance Program and
12 remain eligible for federally subsidized flood insurance, federal disaster relief and federal and state
13 financial assistance; and

14 (6) Harford County has the responsibility through the National Flood Insurance
15 Program's community rating system to implement flood hazard management activities which exceed
16 the minimum standards established by the federal government in order to reduce national flood
17 insurance premiums for the floodplain occupant, facilitate accurate flood insurance rating and
18 promote the awareness of flood insurance.

19 B. Now, therefore, it is the purpose of this chapter to protect human life and health; to
20 minimize public and private property damage; to encourage the utilization of appropriate
21 construction practices in order to prevent or minimize flood damage in the future; to protect
22 individuals from unwittingly buying lands and structures which are unsuited for intended purposes
23 because of the flood hazards; to protect water supply, sanitary sewage disposal and natural drainage;
24 to reduce financial burdens imposed on the community, its governmental units and its residents by
25 preventing the unwise design and construction of development in areas subject to flooding; to

1 provide for public awareness of the flooding potential; and to provide for the biological and
2 environmental quality of the watersheds or portions thereof located in Harford County. The
3 provisions of this chapter provide a unified comprehensive approach to floodplain management
4 which addresses requirements of the federal and state programs concerned with floodplain
5 management; namely, the National Flood Insurance Program and the President's Executive Order
6 11988 of May 27, 1977, on floodplain management, the state's Waterway Construction Permit
7 Program, State Wetlands Permit Program, the United States Army Corps of Engineers' Section 10
8 and Section 404 Permit Programs; and the state's Coastal Zone Management Program.

9 **§ 131-3. Definitions.**

10 The following words have the meanings indicated unless the context clearly requires a
11 different meaning or a different definition is adopted for a particular section. Certain technical words
12 are defined in § 267-4 of the Harford County Code.

13 **ACCESSORY STRUCTURE OR USE** -- A structure or use of land, or portion thereof,
14 customarily incidental and subordinate to the principal use of the land or building and located on the
15 same lot or parcel of land with such principal use. The maximum gross floor area for an accessory
16 structure within a floodplain district shall be three hundred (300) square feet and limited to one (1)
17 story.

18 **APPROXIMATE FLOODPLAIN** -- Those portions of land within the Floodplain District
19 subject to inundation by the one hundred-year flood, where a detailed study has not been performed
20 but where a one hundred-year floodplain boundary has been approximated.

21 **CERTIFICATE OF OCCUPANCY** -- The official form used by Harford County certifying
22 that the structure has been built consistent with approved plans and may be legally inhabited or used
23 for the intended purpose.

24 **COASTAL FLOODPLAIN** -- Those portions of the Floodplain District subject to coastal or
25 tidal flooding by a one-hundred-year flood, where detailed study data are available.

1 DEVELOPMENT -- Any man-made change to improved or unimproved real estate,
2 including but not limited to any construction, reconstruction, modification, extension or expansion of
3 buildings or other structures, placement of fill or concrete, dumping, mining, dredging, grading,
4 paving, drilling operations, storage of materials and equipment, land excavation, land clearing, land
5 improvement, landfill operation or any combination thereof. This term shall also include the
6 subdivision of land.

7 ELEVATION CERTIFICATE -- The official form, as prepared and distributed by the
8 Federal Emergency Management Agency using mean sea level, as established by the National
9 Geodetic Vertical Datum (NGVD) of 1929.

10 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION -- A manufactured
11 home park or subdivision for which the construction of facilities for servicing the lots on which the
12 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the
13 construction of streets and either final site grading or the pouring of concrete pads) is completed
14 prior to the first Floodplain Ordinance adopted by Harford County.

15 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION -
16 - The preparation of additional sites by the construction of facilities for servicing the lots on which
17 the manufactured homes are to be affixed (including the installation of utilities, the construction of
18 streets and either final site grading or the pouring of concrete pads).

19 FLOOD -- A temporary inundation of normally dry land areas.

20 FLOODPLAIN -- The channel and a contiguous area of a stream, river or other water body
21 which has been or may reasonably expect to be flooded by floodwaters with an average frequency of
22 occurrence on the order of once every one hundred (100) years, as identified in a FEMA Flood
23 Insurance Study or in a more detailed study undertaken or approved by the county.

24 FLOODPLAIN DISTRICT -- All areas subject to inundation by floodwaters with an average
25 frequency of occurrence on the order of once every one hundred (100) years.

1 FLOOD PROFILE -- A graph of longitudinal profile showing the relationship of the water
2 surface elevation of a flood event to location along a stream or river.

3 FLOODPROOFING -- Any combination of structural and nonstructural additions, changes or
4 adjustments of properties and structures which reduce or eliminate flood damage to lands, water and
5 sanitary facilities, structures and contents of buildings.

6 FLOODWAY -- That portion of the Floodplain District required to carry and discharge the
7 waters of a one-hundred-year flood without increasing the water surface elevation at any point more
8 than one (1) foot above existing one-hundred-year flood conditions.

9 FLOODWAY FRINGE -- Those portions of land within the Floodplain District subject to
10 inundation by a one-hundred-year flood, lying beyond the floodway (where a floodway has been
11 determined) or in areas where detailed study data, profiles and one-hundred-year flood elevations
12 have been established.

13 LOWEST FLOOR -- The lowest floor of the lowest enclosed area (including basement). An
14 unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or
15 storage in an area other than a basement area is not considered a building's "lowest floor," provided
16 that such enclosure is not built so as to render the structure in violation of the applicable
17 nonelevation design requirements of the Federal Emergency Management Agency, National Flood
18 Insurance Program.

19 MANUFACTURED HOME -- A structure, transportable in one (1) or more sections, which
20 is built on a permanent chassis and is designed for use with or without a permanent foundation when
21 attached to the required utilities. The term "manufactured home" does not include a recreational
22 vehicle.

23 NEW CONSTRUCTION -- Structures for which the start of construction, as herein defined,
24 commenced on or after the date of entry into the regular program or the effective date of this chapter,
25 whichever occurred first.

1 NEW MANUFACTURED HOME PARK OR SUBDIVISION -- A manufactured home park
2 or subdivision for which the construction of facilities for servicing the lots on which the
3 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the
4 construction of streets and either final site grading or the pouring of concrete pads) is completed on
5 or after the first Floodplain Ordinance adopted by Harford County.

6 ONE-HUNDRED-YEAR FLOOD -- A flood that has one (1) chance in one hundred (100) or
7 one percent (1%) chance of being equaled or exceeded in any given year.

8 PERMANENT CONSTRUCTION -- Any structure built or placed on a site for more than
9 one hundred eighty (180) consecutive days.

10 PRINCIPALLY ABOVE GROUND -- Structures with at least fifty-one percent (51%) of the
11 actual cash value of the structure, less land value, above ground.

12 RECREATIONAL VEHICLE:

13 A. A vehicle which is:

- 14 (1) Built on a single chassis and ready for highway use;
15 (2) Four hundred (400) square feet or less when measured at the largest
16 horizontal projection;
17 (3) Designed to be self-propelled or permanently towable by a light-duty truck;
18 and
19 (4) Designed primarily not for use as a permanent dwelling but as temporary
20 living quarters for recreational, camping travel or seasonal use.

21 B. A recreational vehicle is ready for highway use if it is on its wheels or jacking system,
22 is attached to the site only by quick-disconnect-type utilities and security devices and has no
23 permanently attached additions.

24 START OF CONSTRUCTION -- The date the building permit was issued, provided that the
25 actual start of construction, repair, reconstruction, placement, substantial improvement or other

1 improvement occurs within one hundred eighty (180) days of the permit date. The "actual start of
2 construction" means either the first placement of permanent construction of a structure on a site,
3 such as the pouring of slab or footings, the installation of piles, the construction of columns or any
4 work beyond the stage of excavation, or the placement of a manufactured home on a foundation.
5 "Permanent construction," as used in this definition, does not include land preparation such as
6 clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does
7 it include excavation for basements, footings, piers, foundations or the erection of temporary forms;
8 nor does it include the installation on the property of accessory buildings such as garages or sheds
9 not occupied as dwelling units or not as part of the main structure.

10 SUBSTANTIAL DAMAGE -- Damage of any origin sustained by a structure whereby the
11 cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent
12 (50%) of the market value of the structure before the damage occurred.

13 SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction or improvement of a
14 structure, the cost of which exceeds fifty percent (50%) of the market value of the structure either
15 before the improvement or repair is started or, if the structure has been damaged and is being
16 restored, before the damage occurred. For the purpose of this definition, "substantial improvement"
17 is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of
18 the building commences, whether or not that alteration affects the external dimensions of the
19 structure. The term does not, however, include either:

20 A. Any project for improvement of a structure to comply with existing state or local
21 health, sanitary or safety code specifications which are solely necessary to assure safe living
22 conditions; or

23 B. Any alteration of a structure listed on the National Register of Historic Places or the
24 State Inventory of Historic Places.

25 TEMPORARY DEVELOPMENT -- Any building, construction and/or assemblage of

1 structures such as construction sheds, seats, canopies, tents and fences used in construction work or
2 for temporary purposes such as reviewing stands, fairs, carnivals or flea markets which are
3 completely removed upon the expiration of one hundred eighty (180) days or less, as stated in the
4 permit.

5 UTILITIES -- A utility facility owned by a governmental agency or private organization,
6 maintained and operated for the benefit of the general public, including but not limited to gas lines,
7 electrical and telephone systems, sewer and water lines, storm drains, septic tanks, sewage pumping
8 stations, electrical transmission lines of sixty-nine (69) kilovolts or greater and interstate and
9 intrastate pipelines.

10 WAIVER -- A granting of relief by the Director of Planning from certain terms and
11 conditions established by this chapter.

12 WETLAND FLOODPLAIN -- Those portions of land within the Floodplain District subject
13 to inundation by a one-hundred-year flood and determined to be nontidal or tidal wetlands.

14 **§ 131-4. Establishment of Floodplain District.**

15 A. The Harford County Council hereby establishes a Floodplain District and an Official
16 Floodplain Map to include all areas subject to inundation by the waters of the one-hundred-year
17 flood. The source of this delineation shall be, at a minimum, the Flood Insurance Study for Harford
18 County, Maryland, issued on March 2, 1983, the Flood Insurance Rate Maps, and the Flood
19 Boundary and Floodway Maps. The Floodplain District and the Official Floodplain Map shall be
20 deemed an overlay on any existing, and hereafter established, zones or districts within Harford
21 County.

22 B. Floodplain District and flood elevation information shall be provided to the public
23 upon request. The decision of the Harford County Council, when made in the exercise of due
24 diligence and good faith as to the location of a parcel of land, building site or existing structure
25 relative to the Floodplain District, shall be considered sufficient to comply with this chapter and does

1 not create additional municipal liability.

2 C. The Floodplain District shall be comprised of the following subdistricts:

3 (1) Floodway: that portion of the Floodplain District required to carry and
4 discharge the waters of the one-hundred-year flood without increasing the water surface elevation at
5 any point more than one (1) foot above existing one-hundred-year flood conditions. The floodway
6 appears on the Flood Boundary and Floodway Maps. These terms shall also include floodways as
7 defined by Article I, § 131-3 of this chapter.

8 (2) Floodway fringe: those portions of land within the Floodplain District subject
9 to inundation by the one-hundred-year flood, lying beyond the floodway (where a floodway has been
10 determined) or in areas where detailed study data, profiles and one-hundred-year flood elevations
11 have been established. The floodway fringe appears on the Flood Boundary and Floodway Maps
12 and Flood Insurance Rate Maps.

13 (3) Approximate floodplain: those portions of land within the Floodplain District
14 subject to inundation by the one-hundred-year flood, where a detailed study has not been performed
15 but where a one-hundred-year floodplain boundary has been approximated. A one-hundred-year
16 flood elevation shall be established after consideration of any flood elevation and floodway data
17 available from federal, state or other sources. The approximate floodplain appears on both the Flood
18 Insurance Rate Maps and Flood Boundary and Floodway Maps and may appear on all panels as
19 "Zone A."

20 (4) Coastal floodplain: those portions of the Floodplain District subject to coastal
21 or tidal flooding by a one-hundred-year flood, where detailed study data are available. The coastal
22 floodplain appears on the Flood Insurance Rate Maps as "Zones A, AE, and A1 through A30."

23 (5) Wetland floodplain: those portions of land within the Floodplain District
24 subject to inundation by a one-hundred-year flood and determined to be tidal or nontidal wetlands.

25 D. The Official Floodplain Map shall be the Flood Insurance Rate Maps and Flood

1 Boundary and Floodway Maps, as prepared by the Federal Emergency Management Agency, issued
2 on March 2, 1983, and any subsequent amendments. The Official Floodplain Map, which reflects
3 the boundaries of the Floodplain District and its subdistricts, shall be prepared and maintained in
4 force as part of this chapter.

5 E. The delineation of the Floodplain District may be revised, amended and modified by
6 the Harford County Council in compliance with the National Flood Insurance Program and the
7 Maryland Department of Natural Resources when there are changes through natural or other causes
8 to flood elevations and boundaries; and/or changes are indicated by detailed hydrologic and
9 hydraulic information and studies. As soon as practicable, but not later than six (6) months after the
10 date such information becomes available, Harford County shall notify the Federal Insurance
11 Administrator of the changes by submitting technical and scientific data in accordance with 44
12 C.F.R. 65. All such changes shall be subject to the review and approval of the Federal Emergency
13 Management Agency and the Maryland Department of Natural Resources.

14 F. The boundary of the mapped Floodplain District or its subdistricts may be adjusted
15 upon the approval of the Harford County Department of Planning and Zoning based on a field
16 elevation certification performed by a registered professional engineer or a land surveyor, provided
17 that the land area has not been filled or otherwise altered in order to qualify for such boundary
18 adjustment. Any adjustment to the floodplain boundary may be subject to the approval of the
19 Department of Natural Resources and the Federal Emergency Management Agency.

20 G. For any development, excluding the provision of underground utilities, or any
21 subdivision of land involving one (1) or more lots which receive drainage from an area of one
22 hundred (100) acres or more and are not located in an identified Floodplain District, the property
23 owner shall have the specific one-hundred-year floodplain designated by a registered professional
24 engineer or registered land surveyor and displayed on the plat and site plan for the property prior to
25 issuance of any building permit. In addition, the Departments of Planning and Zoning and Public

1 Works may approve certain other flood-prone areas to be added to the Floodplain District where
2 these areas have been studied and certified by a registered professional engineer or land surveyor as
3 to their potential for flooding problems. These areas, as designated above, shall be added to the one-
4 hundred-year Floodplain District, and all restrictions applicable to the one-hundred-year Floodplain
5 District shall be adhered to and enforced. All additional one-hundred-year floodplain designations
6 shall be submitted to the Federal Emergency Management Agency as stipulated in § 131-4E of this
7 chapter.

8 **§ 131-5. Development regulations.**

9 In order to prevent excessive damage to buildings and structures, the following restrictions
10 shall apply to all new construction and substantial improvements to existing structures occurring in
11 the Floodplain District. In the event that a proposed building, structure or substantial improvement
12 is cited in two (2) different subdistricts or in a subdistrict with two (2) different one-hundred-year
13 flood elevations, the most restrictive regulations and/or higher flood elevation shall prevail.

14 A. In the floodway, the following regulations shall apply:

15 (1) All new residential development shall be prohibited.

16 (2) Any construction of utilities shall be done pursuant to § 131-5A(4).

17 (3) No other development shall be permitted unless the Director of the
18 Department of Planning and Zoning determines that:

19 (a) The proposed development will have no measurable effect on the
20 stream, velocities, water surface elevations during the one-hundred-year storm or any existing
21 development and is demonstrated as such using the criteria established by the Federal Emergency
22 Management Agency;

23 (b) Any effect on flood heights from the proposed development shall be
24 fully offset by accompanying stream modification, and the development is approved by all
25 appropriate local authorities, The Maryland Department of Natural Resources, Water Resources

Administration, and the United States Army Corps of Engineers; and

(c) The proposed development will withstand the one-hundred-year flood without substantial damage.

(4) Utilities in the floodway may be permitted only after all necessary approvals have been obtained from the Harford County Department of Public Works, the Maryland Department of Natural Resources and the United States Army Corps of Engineers. Design plans, applications, approvals and copies of state and federal permits shall be retained by the Department of Public Works and available for review during periodic assessments conducted by the Federal Emergency Management Agency or its authorized agent. Utilities in the floodway shall be constructed in the following manner:

(a) New or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters;

(b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters;

(c) No part of any on-site sewage system shall be located within any identified floodway area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood:

[1] Septic tanks shall be anchored to resist buoyant forces due to inundation.

[2] Cesspools and seepage pits are prohibited.

[3] All pipes connected to sewage systems shall be sealed to prevent leakage.

(d) All other utilities such as gaslines, electrical and telephone systems

1 shall be located, elevated (where possible) and constructed to minimize the chance of impairment
2 during a flood;

3 (e) All new storm drainage facilities within and leading to or from the
4 Floodplain District shall be adequately designed, floodproofed and installed to eliminate or minimize
5 property damage resulting from the floodwaters of the one-hundred-year flood and to minimize
6 adverse environmental impacts of their installation and use;

7 (f) The proposed provision of utilities shall have no measurable effect on
8 the stream, stream velocities or water surface elevations during the one-hundred-year storm or any
9 existing development and is demonstrated as such using the criteria established by the Federal
10 Emergency Management Agency;

11 (g) Any effect on flood heights from the proposed provision of utilities
12 shall be offset by accompanying stream modification, and the development is approved by all
13 appropriate local authorities, the Maryland Department of Natural Resources, Water Resources
14 Administration, and the United States Army Corps of Engineers;

15 (h) All proposals to offset the effects of the construction of utilities in the
16 floodway by construction of stream modifications shall be documented by an engineering study
17 prepared by a registered professional engineer which fully evaluates the effects of such construction
18 and shall be submitted. The report shall use the one-hundred-year flood and floodway data as
19 prepared by the Federal Emergency Management Agency and adopted herein as the basis of the
20 analysis; and

21 (i) The proposed development will withstand the one-hundred-year flood
22 without substantial damage.

23 (5) All proposals to offset the effects of development in the floodway by
24 construction of stream modifications shall be documented by an engineering study prepared by a
25 registered professional engineer which fully evaluates the effects of such construction and shall be

submitted with the application for a building permit. The report shall use the one-hundred-year flood and floodway data as prepared by the Federal Emergency Management Agency and adopted herein as the basis of the analysis. Any development allowed shall meet the requirements of § 131-5B of this chapter.

(6) Existing nonconforming structures and/or development shall not be expanded, enlarged or substantially improved unless the effect of the proposed improvement on flood heights is fully offset by accompanying stream modifications and the improvement is approved by the Maryland Water Resources Administration. The original at-grade perimeter (or footprint) of existing nonconforming structures and/or development shall not be increased.

(a) Substantial improvement of a nonconforming structure and/or development regardless of location shall be undertaken only in full compliance with the provisions of this chapter and any other applicable ordinance.

(b) The modification, alteration, repair, reconstruction or improvement of any kind of a nonconforming structure and/or development to an extent or amount of less than fifty percent (50%) of its market value shall be elevated and/or floodproofed to the greatest extent possible.

(c) In the event that any structure located in the floodway sustains substantial damage, as defined herein, every effort shall be made to acquire and remove the damaged structure from the floodway using funds available for the Maryland Flood Management Grant Program, Program Open Space, Federal Mitigation programs or other source.

(7) The following shall not be placed or caused to be placed in the floodway;

(a) Fences, except when used for agricultural purposes and on agriculturally assessed property; and

(b) Man-made obstructions which may impede, retard or change the direction of the flow of water or that will catch or collect debris carried by such water or that is

1 placed where the natural flow of the stream or floodwaters would carry the same downstream to the
2 damage or detriment of either public or private property in or adjacent to the floodplain.

3 B. In the floodway fringe, the following regulations shall apply:

4 (1) Any development and/or construction of utilities approved shall be in
5 conformance with the requirements of the permit programs of the Maryland Department of Natural
6 Resources, Water Resources Administration, and the United States Army Corps of Engineers.

7 (2) Where flood control, watershed management and flood-prone property
8 acquisition plans exist, all development shall be consistent with such plans. Any property identified
9 for future acquisition under the flood management grant program shall not be allowed to be
10 substantially improved.

11 (3) The construction, reconstruction and/or substantial improvement of any
12 structure shall be prohibited, except as permitted in § 131-11 of this chapter. Routine maintenance
13 and minor alteration and repair modifications to existing structures for floodproofing purposes shall
14 be exceptions. Floodproofing modifications shall include elevating the lowest floor, as defined
15 herein, of the structure to or above the level of one (1) foot above the elevation of the one-hundred-
16 year flood or completely dry floodproofing as specified by the United States Army Corps of
17 Engineers.

18 (4) Placement of fill material within the floodway fringe area shall be prohibited
19 except for that associated with the installation of public utility facilities.

20 (5) All development shall be undertaken in a manner which minimizes adverse
21 impacts on aquatic and terrestrial habitats and their related flora and fauna.

22 (6) A landscape plan prepared by a landscape architect registered in the State of
23 Maryland shall be submitted and approved as a part of any approval for projects in the floodway
24 fringe area. Such plan(s) shall include the following minimum elements:

25 (a) Design of land contours and the choice of plant materials shall direct

1 surface runoff away from streams and structures and shall not increase surface runoff onto
2 neighboring properties;

3 (b) Adequate ground cover, trees and shrubs shall be provided for soil
4 stabilization within the Floodplain District;

5 (c) Assurance that the proposal will not be inconsistent with any tree
6 maintenance, greenway or erosion regulations.

7 (7) Storage. Materials that are buoyant, flammable, explosive or that in times of
8 flooding could be injurious to human, animal or plant life shall not be stored in any portion of the
9 floodplain except for underground fuel storage in conjunction with water-dependent facilities
10 installed in accordance with the National Fire Protection Association or other applicable standards as
11 utilized by Harford County in reviewing and approving the installation of such facilities.

12 (8) Fill. Where allowed, fill material shall meet the following additional
13 requirements:

14 (a) Fill shall consist of soil or rock materials only. Landfills, dumps and
15 sanitary soil fills shall not be permitted;

16 (b) Fill material shall be compacted to ninety-five percent (95%) of the
17 maximum density obtainable with the standard proctor test method issued by the American Society
18 for Testing and Materials (ASTM Standard D-698) to provide the necessary stability and resistance
19 to erosion, scouring or settling;

20 (c) Fill slopes shall be no steeper than one (1) vertical to two (2)
21 horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the
22 Department of Public Works;

23 (d) Fill shall be used only to the extent to which it does not adversely
24 affect adjacent properties;

25 (e) The extent of any fill installed shall not raise the flood elevation.

(9) Manufactured home parks and subdivisions. The placement or substantial improvement of manufactured homes in existing manufactured home parks or subdivisions shall meet the following requirements:

(a) Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage shall be elevated so that its lower floor is at or above the one-hundred-year flood and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(10) Piers and covered boat slips shall be permitted and not subject to the floodproofing requirements of this section.

(11) Recreational vehicles. Recreational vehicles placed on sites in the floodplain shall:

(a) Be on the site for fewer than one hundred eighty (180) consecutive days; and

(b) Be fully licensed, have no permanently attached additions and be ready for highway use; or

(c) Meet the permit and other requirements for manufactured homes in this Article.

(12) All new or replacement utilities shall be strictly regulated by the Harford County Department of Public Works, in accordance with the following provisions:

(a) Water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.

(b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

(c) No part of any on-site sewage system shall be located within any

1 identified floodplain area except in strict compliance with all state and local regulations for such
2 systems. If any such system is permitted, it shall be located so as to avoid impairment to it or
3 contamination from it during a flood.

4 [1] Septic tanks shall be securely anchored to resist buoyant forces
5 during inundation.

6 [2] Cesspools and seepage pits are prohibited.

7 [3] All pipes connected to sewage systems shall be sealed to
8 prevent leakage.

9 (d) All other utilities such as gaslines and electrical and telephone systems
10 shall be located, elevated (where possible) and constructed to minimize the chance of impairment
11 during a flood.

12 (e) All new storm drainage facilities within and leading to or from the
13 Floodplain District shall be adequately designed, floodproofed and installed to eliminate or minimize
14 property damage resulting from the floodwaters of the one-hundred-year flood and to minimize
15 adverse environmental impacts of their installation and use.

16 C. In the approximate floodplain, the following regulations apply:

17 (1) The development regulations as specified in § 131-5 herein;

18 (2) Harford County shall obtain, review and reasonably utilize any one-hundred-
19 year flood elevation and floodway data available from a federal, state or other source such as the
20 United States Army Corps of Engineers and Soil Conservation Service, the State of Maryland Water
21 Resources Administration or any regional planning organization in the enforcement of this chapter
22 within the approximate floodplain;

23 (3) When the one-hundred-year flood elevation is not known, the property owner
24 shall have prepared an evaluation of the site in order to establish an appropriate one-hundred-year
25 flood elevation by determining the elevation of a point on the appropriate floodplain boundary, such

1 evaluation shall be prepared in consultation with the Water Resources Administration by an engineer
2 registered in the State of Maryland.

3 D. In the coastal floodplain, the development regulations for the floodway fringe cited in
4 § 131-5B herein shall apply.

5 E. Any development in the wetland floodplain shall be in conformance with §§ 267-41D
6 and 267-41.1, pertaining to nontidal and tidal wetlands.

7 **Article II. Administrative Provisions**

8 **§ 131-6. Subdivision approval.**

9 A. Preliminary plan. All preliminary plans for the subdivision of land shall indicate the
10 limits of the one-hundred-year floodway, floodway fringe and approximate floodplain where
11 identified on the FEMA maps. If the plan includes a stream which has a drainage area of more than
12 one hundred (100) acres, the developer shall determine the one-hundred-year flood elevation and
13 establish a floodplain easement, based on such flood elevation. This easement shall be shown on the
14 preliminary plan. All subdivision plans which include areas identified as floodplains shall be
15 reviewed by Harford County to determine that:

16 (1) The proposal is consistent with the need to minimize flood damage;

17 (2) All public and private utilities and facilities (including sewer, water,
18 telephone, electric, gas, etc.) are located, constructed and floodproofed to minimize or eliminate
19 flood damage pursuant to § 131-5A and B;

20 (3) Adequate drainage is provided to reduce exposure to flood hazards;

21 (4) At least one (1) access is provided, which, during the one-hundred-year flood,
22 shall provide safe vehicular access to and egress from the subdivision;

23 (5) Adequate measures have been taken to minimize adverse environmental
24 impacts of the proposed development;

25 (6) All necessary permits have been received from the State of Maryland Water

Resources Administration and appropriate federal agencies; and

(7) To the greatest extent possible, the Floodplain District is preserved as open space and the flood-carrying capacity of the natural floodplain is maintained. Depending on specific flood conditions, access and the type of development proposed, the director of the Department of Planning and Zoning may require all lots to be at least eighty percent (80%) out of the floodplain and the one-hundred-year-floodplain to be placed in easement. Deeds to all new lots containing floodplain areas created and recorded shall disclose the flood risk.

B. Final plats. The limits of the one-hundred-year-floodplain shall be shown on the final plats. If the delineation of the floodplain is based on the FEMA maps, the final plat shall carry a note to that effect. If floodplain computations were done and a floodplain easement created, the final plat shall bear the seal of a registered land surveyor or professional engineer.

§ 131-7. Provision of utilities.

The placement of utilities in the floodplain is discouraged, especially in the floodway. If no feasible alternative exists to the location of utilities in the floodplain, then it shall be the responsibility of the Harford County Department of Public Works to ensure that the location, design and construction of such utilities shall be in accordance with § 131-5A(4) and B(12) of this chapter.

§ 131-8. Grading permits.

A. Prior to issuance of a grading permit for development within the floodplain, the developer/contractor shall provide evidence that all necessary permits have been received from the State of Maryland Water Resources Administration and appropriate federal agencies.

B. If the development includes the relocation or alteration of a watercourse, a copy of the Water Resources Administration approval shall be forwarded to the Federal Emergency Management Agency, including evidence that, where appropriate, adjacent jurisdictions have been notified of such approval.

C. In addition to the above requirements, a registered professional engineer for the

1 developer shall assure Harford County, in writing, that the flood-carrying capacity within the altered
2 or relocated portion of the watercourse in question will be maintained.

3 **§ 131-9. Building permits.**

4 Prior to issuance of a building permit, the following information shall be submitted to the
5 Department of Planning and Zoning, including but not limited to the following:

6 A. Name and address of the applicant. The applicant must be the owner or an authorized
7 agent of the owner;

8 B. Name and address of the owner of the land on which the development is proposed;

9 C. Name and address of the contractor;

10 D. Site location;

11 E. Copies of the issued permit or a written statement from the issuing authority
12 indicating that a permit is not required from the United States Army Corps of Engineers or Maryland
13 Department of Natural Resources, Water Resources Administration, where necessary;

14 F. A plan of the site showing the size and location of the proposed development, as well
15 as any existing buildings or structures;

16 G. Plans drawn to scale, showing the location, dimensions and elevation in mean sea
17 level/National Geodetic Vertical Datum of the site in relation to the stream channel, shoreline,
18 Floodplain District and Floodplain District subdistricts;

19 H. For substantial improvement to an existing structure, the market value established by
20 the assessment value or an appraisal performed by a professional real estate appraiser of the market
21 value of the existing structure (less land value) to which the substantial improvement is associated;

22 I. Summary description of the proposed work and estimated cost;

23 J. Depending on the type of development and/or structure involved and for structures to
24 be elevated above the one-hundred-year-flood elevation, the following information shall also be
25 included in the application:

(1) The size of the proposed structure(s) and its position on the lot where it is to be constructed;

(2) The elevations of the proposed final grading and lowest floor, and the existing ground and one-hundred-year-flood elevation, as certified by a registered professional engineer or surveyor;

(3) The method of elevating the proposed structure, including the details of proposed fills, pile structures, retaining walls, foundations, erosion protection measures, etc. These plans shall be prepared by a registered professional engineer.

§ 131-10. Inspections.

A. After the issuance of a grading permit or building permit by Harford County, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent of Harford County.

B. Work on the proposed grading or construction shall begin within one (1) year after the date of issuance of the building permit or the permit shall expire.

C. During the construction period, the Building Official or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the permit and with all applicable laws and ordinances. The premises shall also be subject to inspection by the State of Maryland Water Resources Administration. In the event that the Building Official determines that the work is not in compliance with the permit or all applicable laws and ordinances or that there has been a false statement or misrepresentation by the applicant, the Building Official shall revoke the building permit and report such fact to the Maryland Water Resources Administration for whatever action it considers necessary.

D. Work on the proposed construction shall progress steadily through project completion. Any work which resumes after a stop in work for one hundred eighty (180) days or more shall require the issuance of a new permit.

1 E. A certificate of occupancy shall be required for all construction and substantial
2 improvements in the Floodplain District and shall not be issued until Harford County has been
3 provided with a completed elevation certificate prepared by a registered land surveyor or
4 professional engineer certifying the "as-built" condition of the subject construction. The datum used
5 on the elevation certificate shall be mean sea level, as established by the National Geodetic Vertical
6 Datum of 1929.

7 F. A record or log of all Floodplain District permit actions shall be maintained by the
8 Department of Planning and Zoning and shall be available upon request by the Federal Emergency
9 Management Agency or its authorized agent (the Water Resources Administration) during periodic
10 assessments of Harford County's participation in the National Flood Insurance Program. Such record
11 shall include, at a minimum, the date the permit was issued, the as-built lowest floor elevation of all
12 new construction or substantial improvement, the issuance of the completed elevation certificate and
13 any map amendments issued by the Federal Emergency Management Agency.

14 **§ 131-11. Waivers.**

15 A. Applications for waivers may be considered by the Director of the Department of
16 Planning and Zoning for the following conditions:

17 (1) New construction of or substantial improvements to nonresidential structures
18 or portions thereof where certification is provided by a registered professional engineer that the
19 structure will be dry floodproofed in accordance with the specifications of the United States Army
20 Corps of Engineers to one (1) foot above the one-hundred-year-flood elevation or be elevated
21 pursuant to the requirements in § 131-11A(2), below. Construction of structures in the floodway
22 fringe shall be in accordance with § 131-11A(3).

23 (2) New construction or substantial improvement of residential structures,
24 provided that the lowest floor (including basement) of all structures shall be at least one (1) foot
25 above the one-hundred-year-flood elevation. In addition, development activities shall be in

1 accordance with § 131-11A(3) below.

2 (3) New construction of or substantial improvements to detached garages which
3 are used solely for storage or parking of vehicles and are designed to automatically equalize
4 hydrostatic pressures on walls by allowing for the entry and exit of floodwater and meet the
5 requirements for construction of structures in the floodway fringe in § 131-11A(4).

6 (4) Structures and/or foundations below the one-hundred-year-flood elevation
7 shall be constructed with appropriate building modifications to automatically equalize hydrostatic
8 flood forces by allowing for the entry and exit of floodwaters, including (unless otherwise approved
9 by a professional registered engineer):

10 (a) A minimum of two (2) openings on separate sides of the structure
11 having a total net area of not less than one (1) square inch for every square foot of enclosed area
12 subject to flooding shall be provided;

13 (b) The bottom of all openings shall be no higher than one (1) foot above
14 grade;

15 (c) Openings may be equipped with screens, louvers, valves or other
16 coverings or devices, provided that they permit the automatic entry and exit of floodwaters;

17 (d) A statement shall be placed on the building plans which shall read as
18 follows: "No conversion of this area to habitable space is to occur unless the lowest floor is elevated
19 to one (1) foot above the one-hundred-year-flood elevation. At this site, the one-hundred-year-flood
20 elevation is _____";

21 (e) The floor elevation of the structure shall not qualify as a basement and
22 must be constructed on or above grade.

23 (f) The structure shall be constructed and placed on the building site so as
24 to offer the minimum resistance to the flow of floodwaters;

25 (g) Structures shall be firmly anchored in accordance with accepted

1 engineering practices to prevent flotation, collapse or lateral movement.

2 (h) The service facilities, such as electrical, plumbing and heating
3 equipment, shall be elevated to the one-hundred-year-flood elevation or be floodproofed; and

4 (i) The applicant shall be made aware that if the structure is built below
5 the one-hundred-year-flood elevation and is not floodproofed, the aforesaid structure may be
6 susceptible to higher insurance premium rates for the structure and its contents.

7 (5) Reconstruction, rehabilitation or restoration of structures listed in the National
8 Register of Historic Places or State Inventory of Historic Places pursuant to § 131-11H.

9 B. Waivers shall not be granted for:

10 (1) The placement of fill in the floodway;

11 (2) New construction located in the floodway;

12 (3) Development in the floodway.

13 C. The granting of waivers shall be subject to the following conditions:

14 (1) A demonstration of good and sufficient cause;

15 (2) A determination that failure to grant the waiver would result in exceptional
16 hardship to the applicant (economic hardship shall not be considered exceptional);

17 (3) A determination that the granting of a waiver will not result in increased flood
18 heights, additional threats to public safety or extraordinary public expense or create nuisances, cause
19 fraud on or victimization of the public or conflict with existing local laws or ordinances;

20 (4) Granting of a waiver from the Water Resources Administration, favorable
21 comments from the State Coordinating Office of the Water Resources Administration and
22 compliance with Subsections B and D of this section;

23 (5) Any other reasonable conditions as determined by the Director of Planning
24 and Zoning to be necessary for the protection of the health, safety and welfare of the public;

25 (6) The need for open space preservation has been carefully considered in light of

1 the function of the floodplain and no reasonable alternative site for the development exists outside of
2 the floodplain.

3 D. Waivers shall only be granted upon a determination that it is the minimum necessary,
4 considering the flood hazard, to afford relief and that local public funds may not be available to
5 mitigate the results of such waiver.

6 E. The application for a waiver shall be submitted to the Director of Planning and
7 Zoning and shall comply with the provisions and requirements of Article II of this chapter.

8 F. The applicant/owner of storage structures, garage structures and/or accessory
9 structures for which a waiver is granted shall sign a deed restriction that shall be recorded with
10 property that such structures shall never be converted to habitable space.

11 G. A record of all waiver actions, including justifications for their issuance, shall be
12 maintained by the Department of Planning and Zoning, shall be included in the biannual report
13 submitted to the Federal Insurance Administrator and shall be available upon request by the Federal
14 Emergency Management Agency or its authorized agent during periodic assessments of Harford
15 County's participation in the National Flood Insurance Program.

16 H. Waivers may be issued for the reconstruction, rehabilitation or restoration of
17 structures listed in the National Register of Historic Places or State Inventory of Historic Places,
18 upon a determination that the proposed repair or reconstruction will not preclude the structure's
19 continued designation as a historic structure. In addition, the waiver must be the minimum necessary
20 to preserve the historic character and design of the structure. Such a waiver may be granted without
21 regard to the procedures set forth herein, provided that such activity does not cause an increase in the
22 elevation of the one-hundred-year-flood as established and adopted by this chapter.

23 I. Notice of the flood hazard and the waiver action and conditions shall be placed on the
24 deed or other documents which convey title of all newly created or recorded properties.

25 **§ 131-12. Violations and penalties.**

1 A. Any person who fails to comply with any or all of the requirements or provisions of
2 this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one
3 thousand dollars (\$1,000.) or imprisoned not more than six (6) months per offense, or both, at the
4 discretion of the court.

5 B. Each day during which any violation of this chapter continues shall constitute a
6 separate offense.

7 C. Other remedies. The county may institute injunctive or other appropriate action or
8 proceedings at law or equity for the enforcement of this chapter. Any court of competent jurisdiction
9 may issue restraining orders, temporary or permanent injunctions or other appropriate forms of
10 remedy or relief to restrain or correct violations of this section.

11 D. The imposition of a fine or penalty for any violation of or noncompliance with this
12 chapter shall not excuse the violation or noncompliance or permit it to continue, and all such persons
13 shall be required to correct or remedy such violations and noncompliance within a reasonable time.

14 E. Any structure constructed, reconstructed, enlarged, altered or relocated in
15 noncompliance with this chapter shall be declared by Harford County to be a public nuisance and
16 abatable as such.

17 F. The Federal Insurance Administrator and the Maryland Water Resources
18 Administration shall be notified immediately, in writing, of any structure or property in violation of
19 this chapter.

20 G. New or renewal national flood insurance may not be available for any structure
21 remaining in violation or situated on property in violation of this chapter.

22 **§ 131-13. Miscellaneous provisions.**

23 A. County liability. This chapter does not imply that land outside the areas of a special
24 flood hazard or uses permitted within such areas will be free from flooding or flood damages. Larger
25 floods can and will occur. Flood heights may be increased by man-made or natural causes. The

AS AMENDED

1 granting of a permit or approval is not a representation, guaranty or warranty of any kind and shall
2 create no liability upon the county, its officials, agents or employees.

3 B. Administrative fees. Harford County may impose additional application fees
4 commensurate with those costs incurred in the processing, review and evaluation of permit
5 applications for development in the Floodplain District. Such costs may include but are not limited
6 to consultant fees for certifications of as-built conditions of structures; Floodplain District and
7 subdistrict delineations, environmental impact characterizations, staff assignments and other related
8 costs.

9 C. Interpretation.

10 (1) In their interpretation and application, the provisions of this chapter shall be:

11 (a) Considered as minimum requirements.

12 (b) Liberally construed in favor of proper flood hazard management.

13 (c) Deemed neither to limit nor repeal any other powers granted under the

14 Annotated Code of Maryland.

15 (2) Should a dispute arise concerning the interpretation of this chapter, the
16 Counsel of the Federal Emergency Management Agency, the Maryland Department of Natural
17 Resources or Federal Emergency Management Agency 44 C.F.R. shall prevail.

18 D. Partial invalidity and severability. If any section, subsection, paragraph, sentence,
19 clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision
20 shall not affect the remaining portions of this chapter, which shall remain in full force and effect,
21 and, for this purpose, the provisions of this chapter are hereby declared to be severable.

22 E. Public information, awareness and assistance. The Harford County Council may
23 conduct a flood awareness week, during which citizens will be specifically alerted to the hazards of
24 flooding and the methods by which flooding may be minimized. Where appropriate, floodplain
25 residents will be notified of their location in the floodplain and retrofitting measures. The Director

1 of the Department of Planning and Zoning, in cooperation with the Water Resources Administration
2 State Coordinating Office, shall prepare periodic flood hazard management articles, promote the
3 purchase of national flood insurance, where appropriate, provide technical advice to interested
4 citizens and promote good floodplain management. The Director of the Department of Planning and
5 Zoning may participate in technical educational seminars to maintain awareness of federal and state
6 floodplain management requirements and may conduct such technical educational seminars for the
7 staff and citizenry. The Harford County Council, in cooperation with the Water Resources
8 Administration State Coordination Office, shall request the local library or other appropriate meeting
9 place to maintain and publicize documents relating to flood insurance, flood protection, retrofitting
10 and floodplain management.]

11 **CHAPTER 131. FLOODPLAIN MANAGEMENT PROGRAM**

12 **ARTICLE I. PURPOSE AND GENERAL PROVISIONS**

13 **§ 131-1. FINDINGS AND INTENT.**

14 **A. WHEREAS:**

15 (1) CERTAIN AREAS OF HARFORD COUNTY ARE SUBJECT TO
16 PERIODIC INUNDATION WHICH MAY RESULT IN LOSS OF LIFE AND PROPERTY, RISKS
17 TO HEALTH AND SAFETY, DISRUPTION OF COMMERCE AND GOVERNMENTAL
18 SERVICES AND EXTRAORDINARY PUBLIC EXPENDITURES FOR FLOOD PROTECTION
19 AND RELIEF;

20 (2) FLOOD LOSSES AND ASSOCIATED LOSSES ARE CREATED BY
21 STRUCTURES INAPPROPRIATELY LOCATED, INADEQUATELY ELEVATED OR
22 OTHERWISE UNPROTECTED AND VULNERABLE TO FLOODS OR BY DEVELOPMENT
23 WHICH INCREASES FLOOD DAMAGE TO OTHER LANDS OR DEVELOPMENT;

24 (3) THE BIOLOGICAL VALUES OF FLOODPLAINS, PARTICULARLY

1 TIDAL AND NONTIDAL WETLANDS, CAN BE ADVERSELY AFFECTED BY FLOODPLAIN
2 DEVELOPMENT;

3 (4) HARFORD COUNTY HAS THE RESPONSIBILITY UNDER THE FLOOD
4 CONTROL AND WATERSHED MANAGEMENT ACT, ~~§8-801~~ §5-801 - 809 ET SEQ.,
5 ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND, TO
6 CONTROL FLOODPLAIN DEVELOPMENT IN ORDER TO PROTECT PERSONS AND
7 PROPERTY FROM DANGER AND DESTRUCTION AND TO PRESERVE THE BIOLOGICAL
8 VALUES AND THE ENVIRONMENTAL QUALITY OF THE WATERSHEDS OR PORTIONS
9 THEREOF UNDER ITS JURISDICTION;

10 (5) HARFORD COUNTY HAS THE RESPONSIBILITY UNDER THE
11 NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED, THE FLOOD DISASTER
12 PROTECTION ACT OF 1973, AS AMENDED, AND THE NATIONAL FLOOD INSURANCE
13 REFORM ACT OF 1994, TO ADOPT AND ENFORCE FLOODPLAIN MANAGEMENT
14 REGULATIONS WHICH MEET THE REQUIREMENTS OF 44 C.F.R., PARTS 55-57, ET SEQ.
15 (CODE OF FEDERAL REGULATIONS), IN ORDER TO PARTICIPATE IN THE NATIONAL
16 FLOOD INSURANCE PROGRAM AND REMAIN ELIGIBLE FOR FEDERALLY SUBSIDIZED
17 FLOOD INSURANCE, FEDERAL DISASTER RELIEF AND FEDERAL AND STATE
18 FINANCIAL ASSISTANCE; AND

19 (6) HARFORD COUNTY HAS THE RESPONSIBILITY, THROUGH THE
20 NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM, TO
21 IMPLEMENT FLOOD HAZARD MANAGEMENT ACTIVITIES WHICH EXCEED THE
22 MINIMUM STANDARDS ESTABLISHED BY THE FEDERAL GOVERNMENT IN ORDER TO
23 REDUCE NATIONAL FLOOD INSURANCE PREMIUMS FOR THE FLOODPLAIN

AS AMENDED

1 OCCUPANT, FACILITATE ACCURATE FLOOD INSURANCE RATING AND PROMOTE THE
2 AWARENESS OF FLOOD INSURANCE.

3 B. NOW, THEREFORE, IT IS THE PURPOSE OF THIS CHAPTER TO PROTECT
4 HUMAN LIFE AND HEALTH; TO MINIMIZE PUBLIC AND PRIVATE PROPERTY
5 DAMAGE; TO ENCOURAGE THE UTILIZATION OF APPROPRIATE CONSTRUCTION
6 PRACTICES IN ORDER TO PREVENT OR MINIMIZE FLOOD DAMAGE IN THE FUTURE;
7 TO PROTECT INDIVIDUALS FROM UNWITTINGLY BUYING LANDS AND STRUCTURES
8 WHICH ARE UNSUITED FOR INTENDED PURPOSES BECAUSE OF THE FLOOD
9 HAZARDS; TO PROTECT WATER SUPPLY, SANITARY SEWAGE DISPOSAL AND
10 NATURAL DRAINAGE; TO REDUCE FINANCIAL BURDENS IMPOSED ON THE
11 COMMUNITY, ITS GOVERNMENTAL UNITS AND ITS RESIDENTS BY PREVENTING THE
12 UNWISE DESIGN AND CONSTRUCTION OF DEVELOPMENT IN AREAS SUBJECT TO
13 FLOODING; TO PROVIDE FOR PUBLIC AWARENESS OF THE FLOODING POTENTIAL;
14 AND TO PROVIDE FOR THE BIOLOGICAL AND ENVIRONMENTAL QUALITY OF THE
15 WATERSHEDS OR PORTIONS THEREOF LOCATED IN HARFORD COUNTY. THE
16 PROVISIONS OF THIS CHAPTER PROVIDE A UNIFIED COMPREHENSIVE APPROACH TO
17 FLOODPLAIN MANAGEMENT WHICH ADDRESSES NATURAL FLOODPLAIN
18 FUNCTIONS AND REQUIREMENTS OF THE FEDERAL AND STATE PROGRAMS
19 CONCERNED WITH FLOODPLAIN MANAGEMENT, NAMELY THE NATIONAL FLOOD
20 INSURANCE PROGRAM, CODE OF FEDERAL REGULATIONS 59-79, ON FLOODPLAIN
21 MANAGEMENT, THE STATE'S WATERWAY CONSTRUCTION PERMIT PROGRAM,
22 STATE WETLANDS PERMIT PROGRAMS, THE UNITED STATES ARMY CORPS OF
23 ENGINEERS' SECTION 10 AND SECTION 404 PERMIT PROGRAMS, THE STATE'S

1 COASTAL ZONE MANAGEMENT PROGRAM AND THE MARYLAND ECONOMIC,
2 GROWTH, RESOURCE PROTECTION AND PLANNING ACT OF 1992.

3 **§ 131-2. ABROGATION.**

4 A. IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF
5 THIS CHAPTER SHALL BE:

6 (1) CONSIDERED AS MINIMUM REQUIREMENTS.

7 (2) LIBERALLY CONSTRUED IN FAVOR OF PROPER FLOOD HAZARD
8 MANAGEMENT.

9 (3) DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS
10 GRANTED UNDER THE ANNOTATED CODE OF MARYLAND.

11 ~~B. SHOULD A DISPUTE ARISE CONCERNING THE INTERPRETATION OF THIS~~
12 ~~CHAPTER, THE DECISION OF THE COUNSEL OF THE FEDERAL EMERGENCY~~
13 ~~MANAGEMENT AGENCY (HEREINAFTER REFERRED TO AS "FEMA") AND THE STATE~~
14 ~~COORDINATOR FOR THE NATIONAL FLOOD INSURANCE PROGRAM SHALL PREVAIL.~~

15 **§ 131-3. LIABILITY.**

16 THE DEGREE OF FLOOD PROTECTION PROVIDED BY THIS CHAPTER IS
17 CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON
18 ENGINEERING EXPERIENCE AND SCIENTIFIC METHODS OF STUDY. FLOODS OF
19 GREATER MAGNITUDE MAY OCCUR OR FLOOD HEIGHTS MAY BE INCREASED BY
20 MAN-MADE OR NATURAL CAUSES. THIS CHAPTER DOES NOT IMPLY THAT LAND
21 OUTSIDE THE AREAS OF THE FLOODPLAIN DISTRICT WILL BE FREE FROM FLOODING
22 OR FLOOD DAMAGE, NOR THAT PERMITTED DEVELOPMENT AND LAND USES
23 WITHIN THE FLOODPLAIN DISTRICT WILL BE FREE OF FLOODING AND ASSOCIATED

1 FLOOD DAMAGE. THE GRANTING OF A FLOODPLAIN AUTHORIZATION IS NOT A
2 REPRESENTATION, GUARANTY OR WARRANTY OF ANY KIND AND SHALL CREATE
3 NO LIABILITY UPON THE COUNTY, ITS OFFICIALS, AGENTS OR EMPLOYEES FROM
4 ANY DAMAGE THAT MAY RESULT FROM RELIANCE ON THIS CHAPTER.

5 **§ 131-4. DEFINITIONS.**

6 FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING WORDS HAVE THE
7 MEANINGS INDICATED UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT
8 MEANING OR A DIFFERENT DEFINITION IS ADOPTED FOR A PARTICULAR SECTION.

9 ACCESSORY STRUCTURE OR USE -- A DETACHED STRUCTURE ON THE SAME
10 LOT/PARCEL OF PROPERTY AS THE PRINCIPAL STRUCTURE, THE USE OF WHICH IS
11 INCIDENTAL TO THE PRINCIPAL STRUCTURE (E.G., SHED, DETACHED GARAGE).

12 APPROXIMATE FLOODPLAIN -- THOSE PORTIONS OF LAND WITHIN THE
13 FLOODPLAIN DISTRICT SUBJECT TO INUNDATION BY THE ONE-PERCENT ANNUAL
14 FLOOD, WHERE A DETAILED STUDY HAS NOT BEEN PERFORMED BUT WHERE A
15 BASE FLOOD BOUNDARY HAS BEEN APPROXIMATED ON THE FLOOD INSURANCE
16 RATE MAPS PUBLISHED BY FEMA. THESE ARE DESIGNATED AS ZONE A AND ZONE
17 AO.

18 ASSESSED VALUE -- THE FULL CASH VALUE AS ESTABLISHED BY THE
19 MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION FOR COMPUTING
20 REAL PROPERTY TAXES.

21 BASE FLOOD -- THE FLOOD HAVING A ONE PERCENT CHANCE OF BEING
22 EQUALLED OR EXCEEDED IN ANY GIVEN YEAR.

23 BASE FLOOD ELEVATION -- THE ELEVATION OF THE ONE-PERCENT ANNUAL

1 FLOOD.

2 BASEMENT -- AN ENCLOSED AREA WHICH IS BELOW GRADE ON ALL SIDES.

3 CERTIFICATE OF OCCUPANCY -- THE OFFICIAL FORM USED BY HARFORD
4 COUNTY CERTIFYING THAT THE STRUCTURE HAS BEEN BUILT CONSISTENT WITH
5 APPROVED PLANS, MEETS CODE REQUIREMENTS AND MAY BE LEGALLY INHABITED
6 OR USED FOR THE INTENDED PURPOSE.

7 DEVELOPMENT -- ANY MAN-MADE CHANGE TO IMPROVED OR UNIMPROVED
8 REAL ESTATE, INCLUDING BUT NOT LIMITED TO BUILDINGS AND OTHER
9 STRUCTURES, DREDGING, FILLING, GRADING, PAVING, CLEARING, EXCAVATING,
10 DUMPING, EXTRACTING AND STORING OF MATERIALS OR EQUIPMENT.
11 DEVELOPMENT INCLUDES SUBDIVISION OF LAND.

12 DIGITAL FLOOD INSURANCE RATE MAPS (HEREINAFTER REFERRED TO AS "D-
13 FIRMS") -- FLOOD INSURANCE RATE MAPS PRODUCED BY FEMA IN DIGITAL (NON-
14 PAPER) FORMAT FOR USE IN A GEOGRAPHIC INFORMATION SYSTEM.

15 DIRECTOR -- THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND
16 ZONING.

17 DIRECTORS -- THE DIRECTORS OF PLANNING AND ZONING, PUBLIC WORKS
18 AND INSPECTIONS, LICENSES AND PERMITS.

19 ELEVATED BUILDING -- FOR INSURANCE PURPOSES, A NON-BASEMENT
20 BUILDING WHICH HAS ITS LOWEST FLOOR RAISED ABOVE GROUND LEVEL BY
21 FOUNDATION WALLS, SHEAR WALLS, POSTS, PIERS, PILINGS OR COLUMNS.

22 ELEVATION CERTIFICATE -- THE OFFICIAL FORM SUPPLIED BY FEMA TO
23 CERTIFY AS-BUILT ELEVATIONS OF STRUCTURES ABOVE MEAN SEA LEVEL

1 ESTABLISHED BY THE NATIONAL GEODETIC SURVEY.

2 FEMA -- FEDERAL EMERGENCY MANAGEMENT AGENCY.

3 FIRMS -- FLOOD INSURANCE RATE MAPS (HEREINAFTER REFERRED TO AS
4 "FIRMS"). THE MAPS PUBLISHED BY FEMA ESTABLISHING SPECIAL FLOOD HAZARD
5 AREAS AND FLOOD INSURANCE PREMIUM RISK ZONES.

6 FLOOD -- A GENERAL AND TEMPORARY CONDITION OF PARTIAL OR
7 COMPLETE INUNDATION OF NORMALLY DRY LAND AREAS FROM OVERFLOW OF
8 INLAND OR TIDAL WATERS OR RAPID UNUSUAL ACCUMULATION OF RUNOFF FROM
9 ANY SOURCE.

10 FLOODPLAIN -- THE AREAS OF A STREAM, RIVER, WATER BODY, THE
11 CONTIGUOUS LAND AND OTHER FLOODPRONE LANDS WHICH ARE SUSCEPTIBLE TO
12 BEING INUNDATED BY WATER FROM ANY SOURCE.

13 FLOODPLAIN DISTRICT (HEREINAFTER REFERRED TO AS "THE DISTRICT") --
14 THE FLOODPLAIN AREAS SUBJECT TO THE BASE FLOOD THAT ARE REGULATED BY
15 THIS CHAPTER. THE DISTRICT INCLUDES, AT A MINIMUM , THE SPECIAL FLOOD
16 HAZARD AREAS SHOWN ON THE FIRMS AS ZONE A, AE, AO OR V. AS SUBDIVISION
17 OCCURS, ADDITIONAL FLOODPRONE AREAS SUBJECT TO THE BASE FLOOD WILL BE
18 ADDED TO THE DISTRICT FOR STREAMS THAT DRAIN MORE THAN 100 ACRES.

19 FLOOD PROFILE -- A GRAPH OF LONGITUDINAL PROFILE SHOWING THE
20 RELATIONSHIP OF THE WATER SURFACE ELEVATION OF A FLOOD EVENT TO
21 LOCATION ALONG A STREAM OR RIVER.

22 FLOODPROOFING -- ANY COMBINATION OF STRUCTURAL AND
23 NONSTRUCTURAL ADDITIONS, CHANGES OR ADJUSTMENTS OF PROPERTIES AND

1 STRUCTURES WHICH REDUCE OR ELIMINATE FLOOD DAMAGE TO LANDS, WATER
2 AND SANITARY FACILITIES, STRUCTURES AND CONTENTS OF BUILDINGS.

3 FLOOD PROTECTION ELEVATION -- ~~AN INCREMENT OF ELEVATION ADDED TO~~
4 ~~THE BASE FLOOD ELEVATION TO PROVIDE A FACTOR OF SAFETY FOR~~
5 ~~UNCERTAINTIES IN CALCULATIONS, WAVE ACTION, SUBSIDENCE OR OTHER~~
6 ~~UNPREDICTABLE FACTORS.~~ FOR THE PURPOSES OF THIS CHAPTER, IT IS THE BASE
7 FLOOD ELEVATION PLUS ONE FOOT.

8 FLOODWAY -- THE CHANNEL AND ADJACENT LAND AREA OF A
9 WATERCOURSE REQUIRED TO DISCHARGE THE WATERS OF THE BASE FLOOD
10 WITHOUT INCREASING THE WATER SURFACE ELEVATION MORE THAN ONE FOOT.

11 FLOODWAY FRINGE -- THAT PORTION OF THE FLOODPLAIN OUTSIDE THE
12 FLOODWAY (WHERE A FLOODWAY HAS BEEN DETERMINED) OR IN AREAS WHERE
13 DETAILED STUDY DATA, PROFILES AND BASE FLOOD ELEVATIONS HAVE BEEN
14 ESTABLISHED.

15 GEOGRAPHIC INFORMATION SYSTEM (HEREINAFTER REFERRED TO AS "GIS")
16 -- A COMPUTER SYSTEM WITH A SPATIAL COMPONENT USED TO STORE
17 GEOGRAPHICAL INFORMATION AND ASSOCIATED RELATIONAL DATABASES.

18 HISTORIC BUILDING OR STRUCTURE -- DESIGNATED SITE RECOGNIZED IN THE
19 MARYLAND HISTORIC TRUST INVENTORY OF HISTORIC SITES, THE NATIONAL
20 REGISTER OF HISTORIC PLACES OR AS A COUNTY LANDMARK.

21 LOMA -- LETTER OF MAP AMENDMENT (HEREINAFTER REFERRED TO AS
22 "LOMA"). A LETTER ISSUED BY FEMA TO AMEND THE FIRMS AND D-FIRMS BASED
23 ON SITE SPECIFIC DATA.

LOMR -- LETTER OF MAP REVISION (HEREINAFTER REFERRED TO AS "LOMR").
A LETTER ISSUED BY FEMA TO REVISE THE FIRMS AND D-FIRMS.

LOWEST FLOOR -- THE LOWEST FLOOR OF THE LOWEST ENCLOSED AREA
(INCLUDING BASEMENT). AN UNFINISHED ENCLOSURE CONSTRUCTED OF FLOOD
RESISTANT MATERIALS USABLE SOLELY FOR PARKING OF VEHICLES, STORAGE OR
BUILDING ACCESS IN AN AREA OTHER THAN A BASEMENT AREA IS NOT
CONSIDERED A BUILDING'S "LOWEST FLOOR," PROVIDED THAT SUCH ENCLOSURE
IS SUPPLIED WITH WATER EQUALIZING VENTS AND BUILT TO WITHSTAND
HYDROSTATIC FORCES.

MANUFACTURED HOME -- A TRANSPORTABLE STRUCTURE WHICH IS BUILT
ON A PERMANENT CHASSIS AND IS DESIGNED FOR USE WITH OR WITHOUT A
PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES.

MOBILE HOME -- SEE DEFINITION OF MANUFACTURED HOME.

NECESSARY INFRASTRUCTURE -- THE PROVISION OF PUBLIC ROADS AND
BRIDGES FOR PEDESTRIAN AND VEHICULAR TRAFFIC, WATER SUPPLY
~~DISTRIBUTION AND SANITARY DISPOSAL COLLECTION SYSTEMS (WATER AND~~
~~SEWER LINES).~~ DISTRIBUTION, SANITARY DISPOSAL COLLECTION SYSTEMS
(WATER AND SEWER LINES), GAS LINES, ELECTRICAL TRANSMISSION LINES,
INTERSTATE PIPELINES AND CABLE TELEVISION LINES.

NEW CONSTRUCTION -- STRUCTURES FOR WHICH THE START OF
CONSTRUCTION, AS HEREIN DEFINED, COMMENCED ON OR AFTER APRIL 19, 1983
AND INCLUDES ANY SUBSEQUENT IMPROVEMENTS.

NONCONFORMING STRUCTURE -- ANY EXISTING STRUCTURE THAT DOES NOT

1 MEET THE CURRENT REQUIREMENTS OF THE FLOODPLAIN CHAPTER.

2 NONTIDAL FLOODPLAIN -- FLOODPLAINS CONTIGUOUS TO STREAMS AND
3 RIVERS. THEY CONSIST OF FLOODWAYS AND FLOODWAY FRINGE OR
4 APPROXIMATE FLOODPLAIN AREAS. NONTIDAL FLOODPLAIN MAY HAVE DETAILED
5 ENGINEERING STUDY DATA, PROFILES AND WATER SURFACE ELEVATIONS, OR MAY
6 HAVE APPROXIMATE DELINEATIONS ONLY.

7 ONE-PERCENT ANNUAL FLOOD -- A FLOOD THAT HAS A ONE PERCENT
8 CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR. THIS IS ALSO
9 REFERRED TO AS THE ONE-HUNDRED-YEAR FLOOD.

10 PERMANENT CONSTRUCTION -- ANY STRUCTURE OCCUPYING A SITE FOR
11 MORE THAN 180 DAYS PER YEAR.

12 RECREATIONAL VEHICLE -- A VEHICLE BUILT ON A SINGLE CHASSIS WHICH IS
13 400 SQUARE FEET OR LESS AT THE LONGEST HORIZONTAL PROJECTION, SELF
14 PROPELLED OR TOWABLE, AND DESIGNED PRIMARILY FOR TEMPORARY LIVING
15 WHILE TRAVELING OR CAMPING.

16 REPETITIVE LOSS PROPERTIES -- A BUILDING COVERED BY A CONTRACT FOR
17 FLOOD INSURANCE THAT HAS INCURRED A FLOOD-RELATED DAMAGE ON TWO
18 SEPARATE OCCASIONS DURING A 10-YEAR PERIOD ENDING ON THE DATE OF THE
19 EVENT FOR WHICH A SECOND CLAIM IS MADE, IN WHICH THE COST OF REPAIRING
20 THE FLOOD DAMAGE ON THE AVERAGE EQUALS OR EXCEEDED 25% OF THE
21 MARKET VALUE OF THE BUILDING AT THE TIME OF EACH SUCH FLOOD EVENT.

22 SPECIAL FLOOD HAZARD AREA -- THE LAND IN THE FLOODPLAIN WITHIN A
23 COMMUNITY SUBJECT TO A ONE PERCENT OR GREATER CHANCE OF FLOODING IN

1 ANY GIVEN YEAR. THE AREA DESIGNATED ZONE A, ZONE AO, ZONE AE OR
2 NUMBERED ZONE A ON THE FIRMS PUBLISHED BY FEMA.

3 START OF CONSTRUCTION -- THE DATE OF ISSUE OF THE BUILDING PERMIT
4 FOR ANY DEVELOPMENT, INCLUDING NEW CONSTRUCTION AND SUBSTANTIAL
5 IMPROVEMENTS, PROVIDED THAT THE ACTUAL START OF THE CONSTRUCTION OR
6 IMPROVEMENT WAS WITHIN 180 DAYS OF PERMIT ISSUANCE. IF NOT, THEN THE
7 ACTUAL START OF CONSTRUCTION IS THE PLACEMENT OF SLAB OR FOOTINGS,
8 PILES, COLUMNS OR ACTUAL PLACEMENT OF A MANUFACTURED HOME. FOR
9 SUBSTANTIAL IMPROVEMENT, THE START OF CONSTRUCTION IS THE FIRST
10 ALTERATION OF ANY STRUCTURAL PART OF THE BUILDING.

11 STREAM -- THOSE PERENNIAL STREAMS, MAPPED ON THE MOST RECENT GIS
12 MAINTAINED BY HARFORD COUNTY GOVERNMENT, THAT MAINTAIN A BASEFLOW
13 DURING A YEAR OF AVERAGE RAINFALL.

14 STRUCTURE -- A WALLED AND ROOFED BUILDING, INCLUDING BUT NOT
15 LIMITED TO MANUFACTURED HOMES, GARAGES, BARNs, SHEDS, GAS AND LIQUID
16 STORAGE TANKS.

17 SUBDISTRICTS -- FLOODWAY, FLOODWAY FRINGE, APPROXIMATE
18 FLOODPLAIN AND TIDAL FLOODPLAIN.

19 SUBSTANTIAL DAMAGE -- DAMAGE OF ANY ORIGIN SUSTAINED BY A
20 STRUCTURE WHEREBY THE COST OF RESTORING THE STRUCTURE TO ITS BEFORE-
21 DAMAGED CONDITON WOULD EQUAL OR EXCEED 50% OF THE MARKET VALUE OF
22 THE STRUCTURE BEFORE THE DAMAGE OCCURRED. SUBSTANTIAL DAMAGE ALSO
23 INCLUDES REPETITIVE LOSS PROPERTIES.

~~SUBSTANTIAL IMPROVEMENT- ANY AND ALL REPAIRS, RECONSTRUCTION OR IMPROVEMENT OF A STRUCTURE, WHERE THE CUMULATIVE COST WITHIN A 10-YEAR PERIOD EQUALS OR EXCEEDS 50% OF THE ASSESSED VALUE OF THE STRUCTURE (LESS LAND VALUE) EITHER: A) BEFORE THE IMPROVEMENT OR REPAIR IS STARTED; OR B) IF THE STRUCTURE HAS INCURRED SUBSTANTIAL DAMAGE AND BEEN RESTORED, BEFORE THE DAMAGE OCCURRED. SUBSTANTIAL IMPROVEMENT OCCURS WHEN THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR OR OTHER STRUCTURAL PART OF THE BUILDING COMMENCES, WHETHER OR NOT THAT ALTERATION AFFECTS THE EXTERNAL DIMENSIONS OF THE STRUCTURE. THIS TERM INCLUDES ANY REPAIRS TO REPETITIVE LOSS PROPERTIES AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION.~~

SUBSTANTIAL IMPROVEMENT- ANY RECONSTRUCTION, REHABILITATION, ADDITION OR OTHER IMPROVEMENT OF A STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS 50% OF THE MARKET VALUE OF THE STRUCTURE BEFORE THE "START OF CONSTRUCTION" OF THE IMPROVEMENT. THIS TERM INCLUDES STRUCTURES THAT HAVE INCURRED ' SUBSTANTIAL DAMAGE', REGARDLESS OF THE ACTUAL REPAIR WORK PERFORMED. THIS TERM INCLUDES ANY REPAIRS TO REPETITIVE LOSS PROPERTIES AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION. THIS TERM DOES NOT, HOWEVER, INCLUDE EITHER:

- (1) ANY PROJECT FOR IMPROVEMENT OF A STRUCTURE TO CORRECT EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH, SANITARY OR SAFETY CODE SPECIFICATIONS WHICH HAVE BEEN IDENTIFIED BY THE LOCAL CODE ENFORCEMENT OFFICIAL AND WHICH ARE THE MINIMUM TO ASSURE SAFE

1 LIVING CONDITIONS; OR

2 (2) ANY ALTERATION OF A HISTORIC STRUCTURE, PROVIDED THAT THE
3 ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED
4 DESIGNATION AS A HISTORIC STRUCTURE.

5 TEMPORARY STRUCTURE -- ANY STRUCTURE COMPLETELY REMOVED UPON
6 THE EXPIRATION OF 180 DAYS OR LESS, AS STATED IN THE BUILDING PERMIT.

7 TIDAL FLOODPLAIN -- THOSE PORTIONS OF THE FLOODPLAIN DISTRICT
8 SUBJECT TO COASTAL OR TIDAL FLOODING AS DESCRIBED IN THE MOST RECENT
9 FLOOD INSURANCE STUDY FOR HARFORD COUNTY.

10 UTILITIES -- A PUBLIC OR PRIVATE SERVICE OWNED AND OPERATED FOR THE
11 BENEFIT OF THE PUBLIC, INCLUDING BUT NOT LIMITED TO GAS LINES, ELECTRICAL
12 AND TELEPHONE SYSTEMS, SEWER AND WATER LINES, SEWAGE PUMPING
13 STATIONS, ELECTRICAL TRANSMISSION LINES AND INTERSTATE PIPELINES.

14 **ARTICLE II. ESTABLISHMENT OF THE FLOODPLAIN DISTRICT**

15 **§ 131-5. ESTABLISHMENT.**

16 A. HARFORD COUNTY HEREBY ESTABLISHES A FLOODPLAIN DISTRICT TO
17 INCLUDE AREAS SUBJECT TO INUNDATION BY THE WATERS OF THE ONE-PERCENT
18 ANNUAL FLOOD. THE SOURCE OF THIS DELINEATION SHALL BE, AT A MINIMUM,
19 THE SPECIAL FLOOD HAZARD AREAS DELINEATED ON THE FIRMS AND DESCRIBED
20 IN THE MOST RECENT "FLOOD INSURANCE STUDY FOR HARFORD COUNTY,
21 MARYLAND AND INCORPORATED AREAS," PREPARED BY FEMA. THE DISTRICT
22 SHALL ALSO INCLUDE FLOODPRONE AREAS DELINEATED PER SECTIONS 131-7 AND
23 131-8.

1 B. THE FLOODPLAIN DISTRICT SHALL BE COMPRISED OF THE FOLLOWING
2 SUBDISTRICTS AND AS DEPICTED ON THE FIRMS:

- 3 (1) FLOODWAY.
4 (2) FLOODWAY FRINGE.
5 (3) APPROXIMATE FLOODPLAIN.
6 (4) TIDAL FLOODPLAIN.

7 **§ 131-6. FLOODPLAIN BOUNDARIES.**

8 A. THE REGULATORY FLOODPLAIN BOUNDARY SHALL BE ESTABLISHED
9 USING THE BASE FLOOD ELEVATIONS FROM THE MOST RECENT "FLOOD
10 INSURANCE STUDY FOR HARFORD COUNTY, MARYLAND AND INCORPORATED
11 AREAS." WHERE MAP BOUNDARIES AND ELEVATIONS DISAGREE, ELEVATIONS
12 PREVAIL.

13 B. WHEN BASE FLOOD ELEVATIONS ARE NOT PROVIDED IN THE FLOOD
14 INSURANCE STUDY (THE APPROXIMATE FLOODPLAIN), THE PROPERTY
15 OWNER/APPLICANT MUST USE THE BEST AVAILABLE DATA TO DETERMINE THE
16 ELEVATION OF THE ONE-PERCENT ANNUAL FLOOD. DETAILED TOPOGRAPHIC
17 INFORMATION MAY ALSO BE USED TO LOCATE THE LIMITS OF THE DISTRICT.
18 APPROVAL BY FEMA IS NOT REQUIRED.

19 C. WHERE NO OTHER DATA IS AVAILABLE, THE DELINEATION OF THE
20 APPROXIMATE FLOODPLAIN MAY BE DETERMINED BY ACCEPTABLE ENGINEERING
21 METHODS DESCRIBED IN FEMA PUBLICATION #265 DATED JULY 1995: "MANAGING
22 FLOODPLAIN DEVELOPMENT IN APPROXIMATE A ZONE AREAS: A GUIDE FOR
23 OBTAINING AND DEVELOPING BASE (100 YEAR) FLOOD ELEVATIONS."

1 **§ 131-7. REMOVAL FROM THE SPECIAL FLOOD HAZARD AREAS.**

2 CHANGES TO THE FLOODPLAIN DISTRICT BOUNDARY WHICH REMOVE ANY
3 AREA DELINEATED AS SPECIAL FLOOD HAZARD AREA ON THE FIRMS MUST BE
4 REVIEWED AND APPROVED BY FEMA. THE PROPERTY OWNERS REQUESTING A
5 CHANGE TO THE FIRMS SHALL APPLY FOR A LOMR AND SUBMIT THE NECESSARY
6 TECHNICAL AND SCIENTIFIC DATA TO HARFORD COUNTY. THE DEPARTMENTS OF
7 PLANNING AND ZONING AND PUBLIC WORKS SHALL REVIEW THE INFORMATION
8 AND FORWARD THE DATA TO FEMA WITHIN SIX MONTHS IN ACCORDANCE WITH 44
9 C.F.R. CH. 1 §60 AND 65. ALL CHANGES TO THE FIRMS AND THE FLOOD INSURANCE
10 STUDY SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF FEMA AND THE
11 MARYLAND DEPARTMENT OF THE ENVIRONMENT (HEREINAFTER REFERRED TO AS
12 "MDE"). THE FIRMS SHALL NOT BE CONSIDERED AMENDED UNTIL WRITTEN
13 APPROVAL IS RECEIVED FROM FEMA.

14 **§ 131-8. ADDITIONS TO FLOODPLAIN DISTRICT.**

15 A. THE DEPARTMENTS OF PLANNING AND ZONING AND PUBLIC WORKS
16 MAY APPROVE ADDITIONS TO THE DISTRICT BASED ON DATA SUBMITTED IN
17 ACCORDANCE WITH SUBSECTION B.

18 B. THE COUNTY MAY USE ANY FLOOD STUDY THAT IS MORE RESTRICTIVE
19 THAN THE FEMA STUDIES OR GOES BEYOND THE FEMA MINIMUM REQUIREMENTS
20 PROVIDED THE FLOOD STUDY HAS BEEN PREPARED AND CERTIFIED BY A
21 PROFESSIONAL ENGINEER REGISTERED IN MARYLAND IN COMPLIANCE WITH
22 ACCEPTABLE ENGINEERING STANDARDS.

23 C. FOR ANY SUBDIVISION OF LAND WHICH INCLUDES A STREAM THAT

1 RECEIVES DRAINAGE FROM AN AREA OF 100 ACRES OR MORE AND HAS NO MAPPED
2 FLOODPLAIN, THE PROPERTY OWNER SHALL DELINEATE A FLOODPLAIN DISTRICT
3 ON THE PRELIMINARY PLAN AND FINAL PLAT. THE DELINEATION OF THE
4 FLOODPLAIN SHALL BE DETERMINED BY ACCEPTABLE ENGINEERING STANDARDS
5 OR BY THE BUFFER METHOD DESCRIBED BELOW:

6 (1) FOR STREAMS DRAINING LESS THAN 400 ACRES AND MORE THAN
7 100 ACRES, THE PROPERTY OWNER MAY CHOOSE TO PROTECT THE FLOODPLAIN
8 THROUGH A BUFFER METHOD. THIS STREAM BUFFER WILL BE A MINIMUM
9 DISTANCE OF 75 FEET ON BOTH SIDES OF THE CENTER LINE OF THE STREAM AND
10 MAY BE EXPANDED WHERE THE TOPOGRAPHY INDICATES A WIDER FLOODPLAIN
11 AREA. THE STREAM BUFFER MUST BE APPROVED BY THE HARFORD COUNTY
12 DEPARTMENT OF PUBLIC WORKS.

13 (2) FOR STREAMS THAT HAVE NO MAPPED FLOODPLAIN AND WHICH
14 DRAIN AN AREA GREATER THAN 400 ACRES, THE BASE FLOOD AND FLOODPLAIN
15 MUST BE DELINEATED BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND
16 USING ACCEPTABLE ENGINEERING METHODS AND APPROVED BY THE HARFORD
17 COUNTY DEPARTMENT OF PUBLIC WORKS.

18 **ARTICLE III. DEVELOPMENT REGULATIONS**

19 **§ 131-9. GENERAL.**

20 A. IN ORDER TO PREVENT EXCESSIVE DAMAGE TO BUILDINGS AND
21 STRUCTURES AND TO ALLOW FOR THE NATURAL AND BENEFICIAL FLOODPLAIN
22 FUNCTIONS, CONSTRUCTION AND DEVELOPMENT IN THE FLOODPLAIN IS
23 STRONGLY DISCOURAGED. ~~WHERE ALTERNATIVE LOCATIONS EXIST,~~

1 ~~DEVELOPMENT SHALL BE DISCOURAGED NOT OCCUR IN THE FLOODPLAIN DUE TO~~
2 ~~THE INHERENT HAZARDS AND RISKS INVOLVED. WHERE HAZARDS OR RISKS ARE~~
3 ~~IDENTIFIED BY THE DEPARTMENT OF PLANNING AND ZONING, DEVELOPMENT IN~~
4 ~~THE FLOODPLAIN SHALL NOT OCCUR WHEN ALTERNATIVE LOCATIONS EXIST ON~~
5 ~~THE PARCEL.~~ BEFORE ANY BUILDING OR GRADING PERMITS ARE ISSUED, THE
6 APPLICANT SHALL DEMONSTRATE THAT NEW STRUCTURES CANNOT BE LOCATED
7 OUT OF THE FLOODPLAIN AND THAT ENCROACHMENTS ONTO THE FLOODPLAIN
8 ARE MINIMIZED.

9 B. ALL DEVELOPMENT SHALL BE UNDERTAKEN IN A MANNER WHICH
10 MINIMIZES ADVERSE IMPACTS ON ~~AQUATIC AND TERRESTRIAL HABITATS AND~~
11 ~~THEIR RELATED FLORA AND FAUNA AS DETERMINED BY THE DEPARTMENT OF~~
12 ~~PLANNING AND ZONING~~ THE ENVIRONMENT AND THE CITIZENS OF HARFORD
13 COUNTY AS DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING
14 AND ZONING.

15 C. ~~LAND DISTURBANCE PERMITTED IN THE FLOODPLAIN MUST HAVE A~~
16 ~~STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL PLAN AS~~
17 ~~REQUIRED BY STATE AND LOCAL REGULATIONS. THIS PLAN SHALL INCLUDE~~
18 ~~DESIGN OF LAND CONTOURS THAT WILL NOT INCREASE SURFACE WATER RUNOFF~~
19 ~~ONTO NEIGHBORING PROPERTIES. GROUND COVER MUST BE ESTABLISHED~~
20 ~~IMMEDIATELY AFTER DISTURBANCE.~~

21 D C. A PLAN FOR PERMANENT PLANTINGS, INCLUDING TREES, SHOULD
22 PROVIDE FOR ADEQUATE VEGETATIVE COVER WITHIN THE DISTRICT TO PREVENT
23 EROSION. THE CHOICE OF PLANT MATERIALS SHALL DIRECT SURFACE RUNOFF

AWAY FROM STRUCTURES AND SHALL NOT INCREASE SURFACE RUNOFF ONTO
NEIGHBORING PROPERTIES.

§ 131-10. CONFLICTS.

IN THE EVENT THAT A PROPOSED BUILDING, STRUCTURE OR SUBSTANTIAL
IMPROVEMENT IS CITED IN TWO DIFFERENT FLOODPLAIN SUBDISTRICTS OR IN A
SUBDISTRICT WITH TWO DIFFERENT BASE FLOOD ELEVATIONS, THE MOST
RESTRICTIVE REGULATIONS AND/OR HIGHER FLOOD ELEVATION SHALL PREVAIL.

§ 131-11. TIDAL FLOODPLAIN, APPROXIMATE FLOODPLAIN, FLOODWAY FRINGE.

IN ORDER TO RECEIVE AUTHORIZATION TO BUILD IN THE FLOODPLAIN
THE FOLLOWING CONDITIONS MUST BE MET:

A. RESIDENTIAL STRUCTURES.

(1) ELEVATION REQUIREMENTS. ALL NEW OR SUBSTANTIALLY
IMPROVED RESIDENTIAL STRUCTURES, INCLUDING MANUFACTURED HOMES,
SHALL HAVE THE LOWEST FLOOR ELEVATED TO OR ABOVE THE FLOOD
PROTECTION ELEVATION. IF A BUILDING IS IN THE FLOODPLAIN AND HAS BEEN
ELEVATED IN ANY WAY, A BASEMENT IS NOT PERMITTED.

(2) THE ELEVATION OF THE LOWEST FLOOR SHALL BE CERTIFIED BY
A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND OR REGISTERED
PROFESSIONAL LAND SURVEYOR ON THE FEMA ELEVATION CERTIFICATE, AFTER
THE LOWEST FLOOR IS IN PLACE.

(3) ENCLOSURES BELOW THE FLOOD PROTECTION ELEVATION MUST
BE CONSTRUCTED TO WITHSTAND HYDROSTATIC AND HYDRODYNAMIC FORCES
AND THE EFFECTS OF BUOYANCY USING WATER EQUALIZING VENTS. (SEE

SECTION 131-18)

(4) THE SERVICE FACILITIES SUCH AS ELECTRICAL, PLUMBING AND HEATING EQUIPMENT SHALL BE ELEVATED TO OR ABOVE THE FLOOD PROTECTION ELEVATION.

B. NONRESIDENTIAL STRUCTURES.

(1) ALL NEW OR SUBSTANTIALLY IMPROVED NONRESIDENTIAL STRUCTURES SHALL HAVE THE LOWEST FLOOR ELEVATED TO OR ABOVE FLOOD PROTECTION ELEVATION.

(2) THE SERVICE FACILITIES SUCH AS ELECTRICAL, PLUMBING AND HEATING EQUIPMENT SHALL BE ELEVATED TO THE FLOOD PROTECTION ELEVATION.

(3) IF IT IS PROVEN TO THE DIRECTORS THAT ELEVATION IS NOT FEASIBLE ON A SPECIFIC SITE, A FLOODPLAIN AUTHORIZATION MAY BE GRANTED FOR FLOODPROOFING NONRESIDENTIAL STRUCTURES. ANY FLOODPROOFING MODIFICATIONS MUST BE APPROVED BY THE DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS AND CERTIFIED BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND OR ARCHITECT TO INSURE THAT AREAS BELOW THE FLOOD PROTECTION ELEVATION ARE WATERTIGHT WITH WALLS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF WATER AND WITH STRUCTURAL COMPONENTS CAPABLE OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS AND THE EFFECTS OF BUOYANCY.

C. WHERE FLOOD CONTROL, WATERSHED MANAGEMENT AND FLOOD-PRONE PROPERTY ACQUISITION PLANS EXIST, ALL DEVELOPMENT SHALL

1 BE CONSISTENT WITH SUCH PLANS. ~~ANY PROPERTY IDENTIFIED FOR FUTURE~~
2 ~~ACQUISITION UNDER THE FLOOD MANAGEMENT GRANT PROGRAM SHALL NOT BE~~
3 ~~ALLOWED TO BE SUBSTANTIALLY IMPROVED.~~

4 **§ 131-12. FLOODWAY.**

5 FLOODWAYS PRESENT INCREASED RISKS TO HUMAN LIFE AND PROPERTY
6 BECAUSE OF THEIR FASTER AND DEEPER FLOWING WATERS. FLOODWAYS SHALL
7 BE PRESERVED TO CARRY THE DISCHARGE OF THE BASE FLOOD.

8 A. FILL IS NOT PERMITTED IN THE FLOODWAY.

9 B. ESSENTIAL UTILITIES, ROADS AND NECESSARY INFRASTRUCTURE ARE
10 PERMITTED IN THE FLOODWAY PROVIDED NECESSARY STATE AND FEDERAL
11 APPROVALS AND/OR PERMITS ARE OBTAINED AND THEY ARE FLOODPROOFED TO
12 MINIMIZE OR ELIMINATE FLOOD DAMAGE FROM THE BASE FLOOD.

13 C. OTHER THAN FOR UTILITIES, NEW STRUCTURES ARE PROHIBITED IN
14 THE FLOODWAY.

15 D. ONLY DESIGNATED HISTORIC STRUCTURES LOCATED IN THE
16 FLOODWAY MAY BE GRANTED FLOODPLAIN AUTHORIZATION FOR SUBSTANTIAL
17 IMPROVEMENTS.

18 E. MAN-MADE OBSTRUCTIONS WHICH MAY IMPEDE, RETARD OR CHANGE
19 THE DIRECTION OF THE FLOW OF WATER OR ANY MATERIALS THAT MAY BE
20 CARRIED DOWNSTREAM TO CAUSE DAMAGE ARE PROHIBITED IN THE FLOODWAY.

21 **ARTICLE IV. SUBDIVISION APPROVAL**

22 **§ 131-13. PRELIMINARY PLAN.**

23 ALL PRELIMINARY PLANS FOR THE SUBDIVISION OF LAND SHALL INDICATE

1 THE LIMITS OF THE ONE-PERCENT ANNUAL FLOOD USING THE BASE FLOOD
2 ELEVATIONS FROM THE FLOOD INSURANCE STUDY OR THE BEST AVAILABLE DATA,
3 AS DESCRIBED IN FEMA'S REGULATIONS AND BULLETINS. IF THE SUBDIVISION
4 PLAN INCLUDES A STREAM WHICH HAS A DRAINAGE AREA OF MORE THAN 100
5 ACRES ~~AND HAS NO FLOODPLAIN DELINEATED~~, THE DEVELOPER SHALL ESTABLISH
6 A FLOODPLAIN AS DESCRIBED IN § 131-8. FOR DEVELOPMENTS GREATER THAN 5
7 ACRES OR 50 LOTS WITH APPROXIMATE FLOODPLAINS, BASE FLOOD ELEVATIONS
8 SHALL BE ESTABLISHED IN ACCORDANCE WITH THE METHODOLOGY USED IN
9 FEMA'S FLOOD INSURANCE STUDIES. THIS FLOODPLAIN DISTRICT SHALL BE
10 SHOWN ON THE PRELIMINARY PLAN. ALL SUBDIVISION PLANS WHICH INCLUDE
11 AREAS IDENTIFIED AS FLOODPLAINS SHALL BE REVIEWED BY HARFORD COUNTY
12 TO DETERMINE THAT:

13 A. THE PROPOSAL IS CONSISTENT WITH THE NEED TO MINIMIZE FLOOD
14 DAMAGE.

15 B. ALL PUBLIC AND PRIVATE UTILITIES AND FACILITIES (INCLUDING
16 SEWER, WATER, TELEPHONE, ELECTRIC, GAS, ETC.) ARE LOCATED, CONSTRUCTED
17 AND FLOODPROOFED TO MINIMIZE OR ELIMINATE FLOOD DAMAGE PURSUANT TO
18 §131-21.

19 C. ~~ADEQUATE~~ DRAINAGE IS PROVIDED TO REDUCE EXPOSURE TO FLOOD
20 HAZARDS TO THE SITE AND TO NEIGHBORING PROPERTIES.

21 D. ~~ADEQUATE~~ MEASURES HAVE BEEN TAKEN TO MINIMIZE ADVERSE
22 ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT.

23 E. WITHIN NEW SUBDIVISIONS, THE FLOODPLAIN DISTRICT AND ITS

1 NATURAL VEGETATION SHALL BE PRESERVED AND DEDICATED TO NATURAL
2 AREAS, OPEN SPACE, RECREATION AND SIMILAR COMPATIBLE USES BY DEED
3 RESTRICTION, RESTRICTIVE COVENANTS OR DONATION TO A LAND TRUST.

4 ~~F. DEEDS TO ALL NEW LOTS CONTAINING FLOODPLAIN DISTRICT SHALL~~
5 ~~DISCLOSE THE FLOOD RISK.~~

6 ~~G.F.~~ THE BUILDING PAD SHALL BE OUT OF THE FLOODPLAIN.

7 ~~H.G.~~ IF THE SUBDIVISION ALTERS THE FLOODPLAIN DISTRICT AS DEPICTED
8 ON THE FIRMS, AN APPLICATION FOR A LOMR OR A LOMA INCLUDING ALL THE
9 NECESSARY SUPPORTING DOCUMENTATION MUST BE RECEIVED BY FEMA BEFORE
10 ANY GRADING OR BUILDING PERMITS CAN BE ISSUED.

11 **§ 131-14. FINAL PLATS.**

12 THE LIMITS OF THE ONE-PERCENT ANNUAL FLOOD AS IDENTIFIED
13 ABOVE AND THE SOURCE OF THE FLOODPLAIN DELINEATION SHALL BE SHOWN ON
14 THE FINAL PLATS AS A FLOODPLAIN DISTRICT. ALL NECESSARY PERMITS MUST BE
15 OBTAINED FROM APPROPRIATE STATE AND FEDERAL AGENCIES BEFORE FINAL
16 PLAT APPROVAL.

17 **ARTICLE V. SPECIFIC REQUIREMENTS, SUPPLEMENTARY REGULATIONS**

18 **§ 131-15. PLACEMENT OF BUILDINGS AND MATERIALS.**

19 IN GENERAL, BUILDINGS AND ACCESSORY STRUCTURES SHOULD BE
20 LOCATED ENTIRELY OUT OF THE FLOODPLAIN OR ON LAND THAT IS LEAST
21 SUSCEPTIBLE TO FLOODING. ALL STRUCTURES PERMITTED IN THE FLOODPLAIN
22 SHALL BE ORIENTED SO AS TO OFFER THE LEAST RESISTANCE TO THE FLOW OF
23 FLOOD WATERS.

1 **§ 131-16. NONCONFORMING STRUCTURES.**

2 A. EXISTING NONCONFORMING STRUCTURES AND/OR DEVELOPMENT
3 SHALL NOT BE SUBSTANTIALLY IMPROVED, EXCEPT FOR HISTORIC STRUCTURES.

4 B. THE PROPOSED REPAIR OR RECONSTRUCTION OF A DESIGNATED
5 HISTORIC STRUCTURE MUST BE THE MINIMUM NECESSARY TO PRESERVE THE
6 HISTORIC CHARACTER AND DESIGN OF THE STRUCTURE. A FLOODPLAIN
7 AUTHORIZATION MAY BE GRANTED PROVIDED SUCH ACTIVITY DOES NOT CAUSE
8 AN INCREASE IN THE ELEVATION OF THE BASE FLOOD AND WILL NOT PRECLUDE
9 THE STRUCTURE'S CONTINUED HISTORIC DESIGNATION.

10 C. WITHIN THE FLOODWAY, THE ORIGINAL AT-GRADE PERIMETER (OR
11 FOOTPRINT) OF EXISTING NONCONFORMING STRUCTURES AND/OR DEVELOPMENT
12 SHALL NOT BE INCREASED.

13 D. THE MODIFICATION, ALTERATION, REPAIR, RECONSTRUCTION OR
14 IMPROVEMENT OF ANY KIND OF A NONCONFORMING STRUCTURE AND/OR
15 DEVELOPMENT TO AN EXTENT OR AMOUNT OF LESS THAN 50% OF ITS MARKET
16 VALUE SHALL BE ELEVATED AND/OR FLOODPROOFED TO THE GREATEST EXTENT
17 POSSIBLE AND MUST BE APPROVED BY THE NATIONAL FLOOD INSURANCE
18 PROGRAM STATE COORDINATOR FOR MARYLAND.

19 E. IN THE EVENT THAT ANY STRUCTURE LOCATED IN THE FLOODWAY
20 SUSTAINS SUBSTANTIAL DAMAGE, AS DEFINED HEREIN, EVERY EFFORT SHALL BE
21 MADE TO ACQUIRE AND REMOVE THE DAMAGED STRUCTURE FROM THE
22 FLOODWAY USING FUNDS AVAILABLE FROM THE MARYLAND FLOOD
23 MANAGEMENT GRANT PROGRAM, PROGRAM OPEN SPACE, FEDERAL MITIGATION

1 PROGRAMS OR OTHER SOURCES.

2 § 131-17. FILL.

3 A. FILL IS DISCOURAGED BECAUSE STORAGE CAPACITY IS REMOVED
4 FROM FLOODPLAINS, NATURAL DRAINAGE PATTERNS ARE ADVERSELY ALTERED
5 AND EROSION PROBLEMS CAN DEVELOP. THE USE OF FILL SHALL BE LIMITED TO
6 THE ELEVATION OF INDIVIDUAL STRUCTURES AND PUBLIC ROAD CROSSINGS.
7 OTHER METHODS OF ELEVATING STRUCTURES SHOULD BE CONSIDERED FIRST.

8 B. TO ALLOW THE ELEVATION OF INDIVIDUAL STRUCTURES, THE
9 AMOUNT OF FILL USED SHALL BE THE MINIMUM NECESSARY. FLOODPLAIN
10 AUTHORIZATION FOR FILL SHALL BE BASED ON FINDINGS BY THE DIRECTORS THAT
11 THE MINIMUM FILL BEING USED FOR RAISING THE STRUCTURE IS THE MOST
12 FEASIBLE ALTERNATIVE.

13 C. FILL, IF APPROVED, SHALL MEET THE FOLLOWING CONDITIONS:

14 (1) THE FLOOD STORAGE CAPACITY OF THE FLOODPLAIN SHALL
15 NOT BE AFFECTED AND FLOOD HEIGHTS SHALL NOT BE INCREASED (0.000 FEET)
16 UNLESS COMPENSATORY STORAGE IS PROVIDED. THE SPACE OCCUPIED BY THE
17 AUTHORIZED FILL BELOW BASE FLOOD ELEVATION SHALL BE COMPENSATED FOR
18 AND BALANCED BY A HYDRAULICALLY EQUIVALENT VOLUME OF EXCAVATION
19 TAKEN FROM BELOW THE BASE FLOOD ELEVATION. ALL SUCH EXCAVATIONS
20 SHALL BE CONSTRUCTED TO DRAIN FREELY TO THE WATERCOURSE.

21 (2) FLOODING FROM ANY SOURCE SHALL NOT BE INCREASED FOR
22 NEIGHBORING PROPERTIES. NEIGHBORING AND ADJACENT PROPERTIES SHALL NOT
23 BE ADVERSELY AFFECTED IN ANY WAY NOR SHALL DRAINAGE PROBLEMS BE

1 CAUSED OR AGGRAVATED AS A RESULT OF THE FILL.

2 (3) FILL SHALL NOT BE PLACED IN THE FLOODWAY EXCEPT FOR
3 ESSENTIAL UTILITIES AND NECESSARY INFRASTRUCTURE.

4 (4) FILL SHALL NOT BE PLACED IN TIDAL OR NONTIDAL WETLANDS
5 WITHOUT THE REQUIRED STATE AND FEDERAL PERMITS.

6 D. IN THE EVENT BUILDINGS ON ADJACENT PROPERTIES ARE KNOWN OR
7 DETERMINED TO BE SUBJECT TO FLOODING UNDER CURRENT CONDITIONS, THE
8 DIRECTOR MAY REQUIRE SUBMISSION OF HYDROLOGIC AND HYDRAULIC
9 ANALYSES TO ADEQUATELY DEMONSTRATE THAT THE EFFECTS OF THE PROPOSED
10 FILL WILL NOT INCREASE FLOODING ON NEIGHBORING PROPERTIES. ADDITIONAL
11 FILL FOR LANDSCAPING PURPOSES IS NOT PERMITTED.

12 E. WHERE ALLOWED, FILL MATERIAL SHALL MEET THE FOLLOWING
13 ADDITIONAL REQUIREMENTS:

14 (1) FILL SHALL CONSIST OF SOIL OR ROCK MATERIALS ONLY.
15 LANDFILLS, DUMPS AND SANITARY SOIL FILLS SHALL NOT BE PERMITTED.
16 DREDGED MATERIAL MAY BE USED AS FILL ONLY UPON CERTIFICATION OF
17 SUITABILITY BY A REGISTERED PROFESSIONAL ENGINEER.

18 (2) FILL MATERIAL SHALL BE COMPACTED TO 95% OF THE
19 MAXIMUM DENSITY OBTAINABLE WITH THE STANDARD PROCTOR TEST METHOD
20 ISSUED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM
21 STANDARD D-698) TO PROVIDE THE NECESSARY STABILITY AND RESISTANCE TO
22 EROSION, SCOURING OR SETTLING.

23 (3) FILL SLOPES SHALL BE NO STEEPER THAN ONE VERTICAL TO

1 TWO HORIZONTAL, UNLESS SUBSTANTIATING DATA JUSTIFYING STEEPER SLOPES
2 ARE SUBMITTED TO AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS.

3 F. AN ENGINEER SHALL INSPECT THE FILL ACTIVITY. A CERTIFICATION
4 SEALED BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND SHALL BE
5 SUBMITTED PRIOR TO APPROVAL OF A BUILDING PERMIT FOR COMPLIANCE WITH
6 THIS SECTION.

7 **§ 131-18. STRUCTURES AND ENCLOSURES BELOW BASE FLOOD ELEVATION.**

8 STRUCTURES AND ENCLOSURES (E.G., SHEDS, GARAGES AND FOUNDATIONS)
9 BELOW BASE FLOOD ELEVATION MUST MEET OR EXCEED THE FOLLOWING
10 STANDARDS FOR WATER EQUALIZING VENTING, ANCHORING AND
11 NONCONVERSION:

12 A. PORTIONS OF STRUCTURES AND ENCLOSURES BUILT BELOW BASE
13 FLOOD ELEVATION SHALL HAVE WATER-EQUALIZING VENTS:

14 (1) A MINIMUM OF TWO OPENINGS ON SEPARATE SIDES OF THE
15 STRUCTURE HAVING A TOTAL NET AREA OF NOT LESS THAN ONE SQUARE INCH
16 FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING SHALL BE
17 PROVIDED.

18 (2) THE BOTTOM OF ALL OPENINGS SHALL BE NO HIGHER THAN ONE
19 FOOT ABOVE GRADE.

20 (3) OPENINGS MAY BE EQUIPPED WITH SCREENS, LOUVERS, VALVES
21 OR OTHER COVERINGS OR DEVICES, PROVIDED THAT THEY PERMIT THE
22 AUTOMATIC ENTRY AND EXIT OF FLOOD WATERS.

23 (4) THE ENCLOSED AREA OF THE STRUCTURE SHALL NOT QUALIFY

1 AS A BASEMENT AND MUST BE CONSTRUCTED ON OR ABOVE GRADE.

2 B. STRUCTURES SHALL BE FIRMLY ANCHORED IN ACCORDANCE WITH
3 ACCEPTED ENGINEERING PRACTICES TO PREVENT FLOTATION, COLLAPSE OR
4 LATERAL MOVEMENT.

5 C. SERVICE FACILITIES SUCH AS ELECTRICAL, PLUMBING AND HEATING
6 EQUIPMENT SHALL BE ELEVATED TO THE FLOOD PROTECTION ELEVATION.

7 D. FULLY ENCLOSED AREAS BELOW THE FLOOD PROTECTION ELEVATION
8 SHALL BE USED SOLELY FOR THE PARKING OF VEHICLES, ACCESS TO THE BUILDING
9 AND STORAGE. FOR ENCLOSED STRUCTURES EXCEEDING 300 SQUARE FEET, A
10 DECLARATION OF LAND RESTRICTION WHICH PROHIBITS THE USE OF THE
11 STRUCTURE AS HABITABLE SPACE SHALL BE RECORDED IN THE LAND RECORDS OF
12 HARFORD COUNTY. FOR AREAS LESS THAN 300 SQUARE FEET, AN AGREEMENT NOT
13 TO CONVERT THE AREA TO HABITABLE SPACE MUST BE SIGNED BY THE APPLICANT
14 AND FILED WITH THE BUILDING PERMIT. THE PERMITTED STRUCTURE MAY NOT
15 CHANGE FROM THE USE PERMITTED NOR MAY IT BE USED FOR HUMAN
16 HABITATION WITHOUT FIRST COMPLYING WITH THE CONSTRUCTION
17 REQUIREMENTS OF THIS CHAPTER.

18 E. A STATEMENT SHALL BE PLACED ON THE BUILDING PLANS STATING
19 THE STRUCTURE IS IN THE FLOODPLAIN DISTRICT.

20 F. THE CHART BELOW SUMMARIZES THE REQUIREMENTS AND
21 CONDITIONS FOR THE MOST COMMON STRUCTURES AND ENCLOSURES BUILT
22 BELOW BASE FLOOD ELEVATION IN THE APPROXIMATE, TIDAL AND FLOODWAY
23 FRINGE FLOODPLAINS.

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TABLE 1

NON-HABITABLE STRUCTURES BELOW BASE FLOOD ELEVATIONS

(THIS CHART DOES NOT APPLY TO STRUCTURES IN THE FLOODWAY.)

BUILDING TYPE	USE	SIZE SQUARE FEET	ENGINEER NEEDED?	ALLOWED UNDER THIS CHAPTER	CONDITIONS
ACCESSORY STRUCTURES (smaller sheds)	Storage	Up to 300	NO	YES	Vent and anchor Non-conversion Agreement recorded with permit.
ACCESSORY STRUCTURES (Larger sheds)	Storage	300 - 600	YES	YES	Vent, anchor, Declaration of Land Restriction
BASEMENT	Family room Workshop, Laundry,	Varies	YES	NO	Basements are considered the lowest floor. A basement used for living space must be elevated to Flood Protection Elevation
CRAWL SPACE	Support	Height must be less than six feet.	YES	YES	No utilities or heating If the height exceeds six feet, a Declaration of Land Restriction is required or it may be considered the lowest floor.
FOUNDATIONS	Support	Varies	YES	YES	Vent, anchor
GARAGE	Parking & Storage	Varies	YES	YES	Vent, anchor, Declaration of Land Restriction
STAIRCASE (enclosed)	Passage to upper floors	Varies	YES	YES	Must be used only as a passage way and for storage.

8 **§ 131-19. STORAGE.**

9 MATERIALS THAT ARE BUOYANT, FLAMMABLE, EXPLOSIVE OR THAT IN

1 TIMES OF FLOODING COULD BE INJURIOUS TO HUMAN, ANIMAL OR PLANT LIFE
2 SHALL NOT BE STORED IN ANY PORTION OF THE FLOODPLAIN UNLESS THE ITEMS
3 ARE ANCHORED OR ELEVATED. EXCEPTIONS MAY BE MADE FOR FUEL STORAGE AT
4 WATER DEPENDENT FACILITIES WHEN INSTALLED IN ACCORDANCE WITH THE
5 NATIONAL FIRE PROTECTION ASSOCIATION OR OTHER APPLICABLE STANDARDS,
6 SUCH AS ANCHORING OR ELEVATING. COMMERCIAL FUEL STORAGE TANKS MUST
7 BE CERTIFIED BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND TO BE
8 ADEQUATELY ANCHORED.

9 **§ 131-20. MANUFACTURED HOMES.**

10 NEW MANUFACTURED HOMES ARE PROHIBITED IN THE FLOODWAY. IN
11 OTHER FLOODPLAIN DISTRICTS, ALL NEW, REPLACEMENT OR SUBSTANTIALLY
12 IMPROVED MANUFACTURED HOMES SHALL BE:

13 A. ELEVATED SO THAT THE LOWEST FLOOR IS ABOVE FLOOD
14 PROTECTION ELEVATION.

15 B. PLACED TO PROVIDE MINIMUM RESISTANCE TO FLOOD WATERS.

16 C. SECURELY ANCHORED TO AN ADEQUATELY ANCHORED FOUNDATION
17 SYSTEM TO RESIST FLOTATION, COLLAPSE AND LATERAL MOVEMENT. METHODS
18 OF ANCHORING SHALL BE DESIGNED, INSPECTED AND APPROVED BY A
19 PROFESSIONAL STRUCTURAL ENGINEER REGISTERED IN MARYLAND TO
20 WITHSTAND FLOOD FORCES. FEMA PUBLICATION #85: "MANUFACTURED HOME
21 INSTALLATION IN FLOOD HAZARD AREAS," SHOULD BE CONSULTED FOR SPECIFIC
22 RECOMMENDATIONS.

§ 131-21. UTILITIES.

THE PLACEMENT OF UTILITIES IN THE FLOODPLAIN IS DISCOURAGED, ESPECIALLY IN THE FLOODWAY. IF NO FEASIBLE ALTERNATIVE EXISTS TO THE LOCATION OF UTILITIES IN THE FLOODPLAIN, THE LOCATION, DESIGN AND CONSTRUCTION OF SUCH UTILITIES SHALL BE CONSTRUCTED TO MINIMIZE OR MINIMIZED TO ELIMINATE FLOOD DAMAGE. AND MEET THE FOLLOWING CONDITIONS:

A. PUBLIC UTILITIES.

(1) WATER AND SANITARY SEWER FACILITIES AND SYSTEMS SHALL BE LOCATED, DESIGNED AND CONSTRUCTED TO MINIMIZE OR ELIMINATE FLOOD DAMAGES AND THE INFILTRATION OF FLOODWATERS AND TO PREVENT THE DISCHARGE OF UNTREATED SEWAGE INTO FLOODWATERS.

(2) ~~ALL OTHER UTILITIES SUCH AS GAS LINES~~ GAS METERS AND APPLIANCES AND ELECTRICAL AND TELEPHONE SYSTEMS ~~AND DISTRIBUTION SYSTEMS~~ SHALL BE LOCATED, ELEVATED OR CONSTRUCTED TO MINIMIZE THE CHANCE OF IMPAIRMENT DURING A FLOOD.

(3) ALL PROPOSALS TO OFFSET THE EFFECTS OF THE CONSTRUCTION OF PUBLIC UTILITIES IN THE FLOODWAY BY CONSTRUCTION OF STREAM MODIFICATIONS SHALL BE DOCUMENTED BY AN ENGINEERING STUDY PREPARED BY A PROFESSIONAL ENGINEER REGISTERED IN MARYLAND. THE STUDY SHALL EVALUATE THE EFFECTS OF SUCH CONSTRUCTION AND SHALL BE SUBMITTED TO FEMA FOR THEIR REVIEW AND APPROVAL.

(4) THE CONSTRUCTION OF UTILITIES MUST CONFORM TO FEMA

1 STANDARDS AND BE ABLE TO WITHSTAND THE BASE FLOOD WITHOUT
2 SIGNIFICANT DAMAGE FROM FLOOD WATERS.

3 B. PRIVATE UTILITIES.

4 (1) ON-SITE SEWAGE DISPOSAL SYSTEMS, INCLUDING SEPTIC
5 TANKS, CESSPOOLS, SEEPAGE PITS AND DRAIN FIELDS, ARE PROHIBITED IN ALL
6 FLOODPLAIN ZONES IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.

7 (2) ALL OUTLETS AND ELECTRICAL INSTALLATIONS, SUCH AS HEAT
8 PUMPS, AIR CONDITIONERS, GAS METERS, APPLIANCES, WATER HEATERS,
9 FURNACES, GENERATORS AND PANEL BOXES MUST BE INSTALLED AT OR ABOVE
10 THE FLOOD PROTECTION ELEVATION.

11 (3) ALL PERMANENT PLUMBING INSTALLATIONS SUCH AS TOILETS,
12 SINKS, WATER HEATERS, PRESSURE TANKS AND FURNACES MUST ALSO BE
13 INSTALLED AT OR ABOVE FLOOD PROTECTION ELEVATION.

14 **ARTICLE VI. AUTHORIZATIONS FOR FLOODPLAIN DEVELOPMENT**

15 **§ 131-22. APPLICATION FOR FLOODPLAIN AUTHORIZATION.**

16 A. ~~PRIOR TO THE INITIATION OF~~ FOR ANY DEVELOPMENT IN THE
17 FLOODPLAIN DISTRICT, THE PROPERTY OWNER SHALL SUBMIT TO THE
18 DEPARTMENT OF PLANNING AND ZONING AN APPLICATION FOR A FLOODPLAIN
19 AUTHORIZATION. ANY NECESSARY PERMITS FROM FEDERAL AND STATE AGENCIES
20 (SUCH AS WATERWAY AND WETLAND PERMITS) SHALL BE OBTAINED BEFORE AN
21 ~~APPLICATION CAN BE MADE.~~ IS APPROVED. RECEIPT OF FEDERAL AND STATE
22 PERMITS DOES NOT EXEMPT DEVELOPMENT FROM THE PROVISIONS OF THIS
23 CHAPTER.

1 B. THE PROPERTY OWNER MUST:

2 (1) SHOW THAT NO REASONABLE ALTERNATIVE SITE FOR THE
3 DEVELOPMENT EXISTS OUTSIDE THE FLOODPLAIN;

4 (2) LOCATE THE STRUCTURE TO OFFER MINIMUM RESISTANCE TO
5 THE FLOW OF FLOODWATERS;

6 (3) PREPARE A SITE PLAN SHOWING THE LOCATION OF THE PROJECT
7 RELATIVE TO FLOODWAYS AND FLOODPLAINS; AND

8 (4) PROVIDE SUPPORTING DOCUMENTATION AS REQUIRED FOR THE
9 PROCESSING OF THE BUILDING PERMIT.

10 **§ 131-23. CONDITIONS OF FLOODPLAIN AUTHORIZATION.**

11 A. ALL DEVELOPMENT IN THE FLOODPLAIN MUST MEET CERTAIN
12 MINIMUM STANDARDS SET BY THIS CHAPTER AND OBTAIN AUTHORIZATION FROM
13 THE DIRECTOR. PRIOR TO ISSUANCE OF A FLOODPLAIN AUTHORIZATION, THE
14 DIRECTOR MUST CONSIDER THE BENEFICIAL AND VALUABLE FUNCTIONS OF
15 FLOODPLAINS IN THEIR NATURAL STATE FOR THE STORAGE AND DISCHARGE OF
16 FLOOD WATERS AGAINST THE DESIRE TO DEVELOP IN THE FLOODPLAIN.

17 B. THE GRANTING OF A FLOODPLAIN AUTHORIZATION SHALL BE SUBJECT
18 TO THE FOLLOWING CONDITIONS:

19 (1) THAT THE DEVELOPMENT IS THE MINIMUM NECESSARY.

20 (2) THAT THE NATURAL FLOODPLAIN FUNCTIONS ARE PRESERVED.

21 (3) THAT THE DEVELOPMENT HAS NEGLIGIBLE IMPACTS TO THE
22 FLOODPLAIN AND DOES NOT INCREASE FLOOD HEIGHTS OR HAZARDS.

23 (4) THE NECESSARY FEDERAL AND STATE PERMITS HAVE BEEN

1 OBTAINED.

2 **§ 131-24. FLOODPLAIN AUTHORIZATION REQUIREMENTS.**

3 A. FLOODPLAIN AUTHORIZATION IS REQUIRED FOR:

4 (1) NEW RESIDENTIAL CONSTRUCTION OR IMPROVEMENTS TO
5 RESIDENTIAL STRUCTURES, INCLUDING GARAGES, FOUNDATIONS, SHEDS OR
6 ACCESSORY STRUCTURES.

7 (2) NEW NONRESIDENTIAL CONSTRUCTION AND IMPROVEMENTS TO
8 NONRESIDENTIAL STRUCTURES OR PORTIONS THEREOF.

9 (3) RECONSTRUCTION, REHABILITATION OR RESTORATION OF
10 STRUCTURES LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES OR STATE
11 INVENTORY OF HISTORIC PLACES.

12 B. FLOODPLAIN AUTHORIZATION IS NOT REQUIRED FOR THE FOLLOWING,
13 HOWEVER, THESE DEVELOPMENT PROJECTS REQUIRE BUILDING PERMITS:

14 (1) IN-GROUND SWIMMING POOLS AND FENCES IN THE
15 APPROXIMATE FLOODPLAIN, TIDAL FLOODPLAIN AND FLOODWAY FRINGE,
16 PROVIDED NO FILL IS USED.

17 (2) STRUCTURES WITH NO WALLS (INCLUDING BUT NOT LIMITED TO
18 PAVILLIONS AND GAZEBOS).

19 (3) PIERS AND DOCKS.

20 (4) DECKS ATTACHED TO NO MORE THAN TWO WALLS.

21 (5) PATIOS.

22 (6) UNENCLOSED PORCHES.

23 (7) BUILDINGS WITH LESS THAN THREE WALLS.

ARTICLE VII. FLOODPLAIN VARIANCE

§ 131-25. FLOODPLAIN VARIANCE APPLICATION.

IN ORDER TO OBTAIN RELIEF FROM THE REQUIREMENTS OF THIS CHAPTER, A REQUEST FOR A FLOODPLAIN VARIANCE MUST BE SUBMITTED TO THE DIRECTOR. THE REQUEST SHALL INCLUDE THE FOLLOWING:

- A. THE LOCATION AND DESCRIPTION OF THE PROJECT.
- B. JUSTIFICATION FOR THE DEVELOPMENT.
- C. AN ENGINEERING ANALYSIS WITH SUPPORTING DOCUMENTATION TO MEET THE CONDITIONS SET FORTH IN §131-26.
- D. AN ACKNOWLEDGMENT THAT AN INCREASED PREMIUM RATE FOR FLOOD INSURANCE MAY OCCUR AND THAT CONSTRUCTION BELOW THE BASE FLOOD INCREASES RISK TO LIFE AND PROPERTY.

§ 131-26. CONDITIONS FOR GRANTING THE VARIANCE.

FLOODPLAIN VARIANCES SHALL ONLY BE GRANTED UPON FINDINGS BY THE DIRECTOR, WITH THE CONCURRENCE OF THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF INSPECTIONS, LICENSES AND PERMITS, THAT THE DEVELOPMENT COMPLIES WITH EACH OF THE FOLLOWING CONDITIONS WHICH ARE CONSISTENT WITH SOUND FLOODPLAIN MANAGEMENT:

- A. GOOD AND SUFFICIENT CAUSE IS DEMONSTRATED.
- B. EXCEPTIONAL HARDSHIP EXISTS (ECONOMIC HARDSHIP SHALL NOT BE CONSIDERED EXCEPTIONAL).
- C. THE PROPOSED DEVELOPMENT IS THE MINIMUM NECESSARY TO AFFORD RELIEF.

1 D. DEVELOPMENT SHALL NOT INCREASE FLOOD HEIGHTS (0.000), SHALL
2 NOT INCREASE UPSTREAM OR DOWNSTREAM FLOODING AND SHALL NOT CAUSE
3 OR AGGRAVATE DRAINAGE PROBLEMS OR STORMWATER MANAGEMENT
4 PROBLEMS ON OFF-SITE PROPERTIES.

5 E. ADDITIONAL THREATS TO PUBLIC SAFETY ARE NOT POSED.

6 F. A DETERMINATION THAT THE GRANTING OF A FLOODPLAIN VARIANCE
7 WILL NOT RESULT IN EXTRAORDINARY PUBLIC EXPENSE OR CREATE NUISANCES,
8 CAUSE FRAUD OR VICTIMIZATION OF THE PUBLIC.

9 G. NO CONFLICTS OCCUR WITH EXISTING LOCAL LAWS OR ORDINANCES.

10 H. COMMENTS FROM THE STATE NATIONAL FLOOD INSURANCE PROGRAM
11 COORDINATOR ARE RECEIVED.

12 I. FLOODPROOFING REQUIREMENTS IN FEMA REGULATIONS ARE MET.

13 J. ANY OTHER CONDITIONS THAT THE DIRECTORS MAY DEEM
14 NECESSARY FOR THE PROTECTION OF THE HEALTH, SAFETY AND WELFARE OF THE
15 PUBLIC.

16 **§ 131-27. NATURAL CHANNEL AND WATERCOURSES.**

17 THE NATURAL WATERCOURSE SHALL BE MAINTAINED FOR PROTECTION OF
18 AQUATIC RESOURCES. IN ALL FLOODPLAIN ZONES, ANY DEVELOPMENT WHICH
19 PROPOSES TO ALTER A WATERCOURSE MUST OBTAIN A FLOODPLAIN VARIANCE.
20 ANY FLOODPLAIN VARIANCE ISSUED FOR THE ALTERATION OF WATERCOURSES
21 MUST ASSURE THAT THE CONDITIONS FOR ENCROACHMENT IN THE FLOODWAY
22 ARE APPROVED BY FEMA, ADVERSE IMPACTS TO AQUATIC RESOURCES ARE
23 MINIMIZED AND THE PUBLIC GOOD OUTWEIGHS THE ADVERSE IMPACTS.

1 **§ 131-28. FLOODPLAIN VARIANCES SHALL NOT BE GRANTED FOR:**

2 A. THE PLACEMENT OF FILL IN THE FLOODWAY EXCEPT FOR THAT
3 ASSOCIATED WITH PUBLIC ROADS. COMPENSATORY STORAGE MUST BE PROVIDED.

4 B. NEW STRUCTURES IN THE FLOODWAY EXCEPT FOR THAT ASSOCIATED
5 WITH NECESSARY INFRASTRUCTURE.

6 C. STORAGE OF MATERIALS OR STORAGE OF EQUIPMENT IN THE
7 FLOODWAY.

8 D. SUBSTANTIAL IMPROVEMENTS OF NONCONFORMING STRUCTURES IN
9 THE FLOODWAY EXCEPT FOR HISTORIC BUILDINGS.

10 E. ENCROACHMENT IN THE FLOODWAY IF ANY INCREASE IN THE BASE
11 FLOOD WILL RESULT.

12 **§ 131-29. ISSUANCE OF FLOODPLAIN VARIANCES.**

13 A. THE VARIANCE GRANTED BY THE DIRECTORS SHALL BE THE MINIMUM
14 NECESSARY, CONSIDERING THE FLOOD HAZARD, TO AFFORD RELIEF.

15 B. FOR ANY FLOODPLAIN VARIANCE ISSUED, A LETTER SHALL BE SENT
16 TO THE APPLICANT INDICATING THE TERMS AND CONDITIONS OF THE FLOODPLAIN
17 VARIANCE, THE INCREASED RISK TO LIFE AND PROPERTY IN GRANTING THE
18 VARIANCE AND THE INCREASED PREMIUM RATES FOR NATIONAL FLOOD
19 INSURANCE COVERAGE.

20 C. THE APPLICANT SHALL BE NOTIFIED IN WRITING OF THE
21 REQUIREMENT FOR RECORDATION OF THESE CONDITIONS IN THE LAND RECORDS
22 OF HARFORD COUNTY PRIOR TO OBTAINING A PERMIT.

23 D. THE GRANTING OF A FLOODPLAIN VARIANCE DOES NOT EXEMPT THE

1 APPLICANT FROM ALL REQUIRED FEDERAL AND STATE PERMITS. THE APPLICANT
2 MUST SECURE ALL NECESSARY STATE AND FEDERAL PERMITS BEFORE
3 PROCEEDING WITH THE DEVELOPMENT PROJECT.

4 **ARTICLE VIII. ADMINISTRATIVE PROCEDURES.**

5 **§ 131-30. PERMITS.**

6 A. GRADING PERMITS.

7 (1) ANY GRADING IN THE FLOODPLAIN REQUIRES A FLOODPLAIN
8 AUTHORIZATION FROM THE DEPARTMENT OF PLANNING AND ZONING. GRADING
9 MAY BE CONSIDERED FILL IN THE FLOODPLAIN AND REGULATED AS SUCH.

10 (2) PRIOR TO ISSUANCE OF A GRADING PERMIT FOR DEVELOPMENT
11 WITHIN THE FLOODPLAIN, THE DEVELOPER/CONTRACTOR SHALL PROVIDE
12 EVIDENCE THAT ALL NECESSARY PERMITS HAVE BEEN RECEIVED FROM THE STATE
13 OF MARYLAND AND THE FEDERAL GOVERNMENT.

14 (3) IF THE DEVELOPMENT INCLUDES CHANGES TO THE FIRM, AN
15 APPLICATION FOR CONDITIONAL LETTER OF MAP REVISION OR AMENDMENT AND
16 ALL THE NECESSARY DOCUMENTATION MUST BE RECEIVED BY FEMA BEFORE A
17 FLOODPLAIN AUTHORIZATION CAN BE CONSIDERED.

18 (4) IN ADDITION TO THE ABOVE REQUIREMENTS, THE APPLICANT
19 SHALL PROVIDE A SEALED CERTIFICATION FROM A PROFESSIONAL ENGINEER
20 REGISTERED IN MARYLAND THAT THE FLOOD-CARRYING CAPACITY WITHIN THE
21 ALTERED FLOODPLAIN WILL BE MAINTAINED.

22 B. BUILDING PERMITS.

23 BEFORE A BUILDING PERMIT CAN BE ISSUED, A FLOODPLAIN

AS AMENDED

1 AUTHORIZATION MUST FIRST BE OBTAINED FROM THE DIRECTOR. THE
2 INFORMATION ON THE BUILDING PERMIT SHALL INCLUDE, AT A MINIMUM:

3 (1) NAMES, ADDRESS AND PHONE NUMBER OF THE
4 OWNER/APPLICANT.

5 (2) A SITE PLAN, DRAWN TO SCALE, SHOWING THE LOCATION OF
6 THE EXISTING AND PROPOSED STRUCTURES RELATIVE TO STREAMS, RIVERS,
7 FLOODWAYS AND FLOODPLAINS.

8 (3) BASE FLOOD ELEVATIONS (WHERE AVAILABLE).

9 (4) SITE PLANS SHOWING ELEVATION CONTOURS, PLANT
10 MATERIALS AND GROUND COVER TO BE USED FOR SOIL STABILIZATION.

11 (5) THE PROPOSED ELEVATION OF THE LOWEST FLOOR AND
12 METHOD OF ELEVATION, IF APPLICABLE.

13 ~~(6) COPIES OF THE WETLANDS OR WATERWAY PERMIT OR A~~
14 ~~WRITTEN STATEMENT FROM THE ISSUING AUTHORITY INDICATING THAT A~~
15 ~~WETLANDS OR WATERWAY PERMIT IS NOT REQUIRED FROM THE UNITED~~
16 ~~STATES ARMY CORPS OF ENGINEERS OR MDE.~~

17 (6) COPIES OF THE WATERWAY PERMIT OR A WRITTEN
18 STATEMENT FROM THE ISSUING AUTHORITY INDICATING THAT A WATERWAY
19 PERMIT IS NOT REQUIRED FROM THE UNITED STATES ARMY CORPS OF
20 ENGINEERS OR MDE.

1 (7) IF WETLANDS ARE IDENTIFIED ON THE SITE PLAN, A COPY OF
2 THE WETLANDS PERMIT.

3 C. ALL IMPROVEMENTS, MODIFICATIONS AND ADDITIONS TO EXISTING
4 STRUCTURES WILL BE EVALUATED BASED ON THEIR PERCENTAGE OF THE
5 ASSESSED VALUE OF THE HOME (NOT INCLUDING LAND VALUE) USING THE
6 AVERAGE OF TWO ESTIMATES BY LICENSED MARYLAND CONTRACTORS AND THE
7 LATEST ASSESSMENT VALUE (REAL PROPERTY VALUE) AVAILABLE FROM THE
8 MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION. IMPROVEMENTS ,
9 MODIFICATIONS, ADDITIONS, RECONSTRUCTION AND REPAIRS TO EXISTING
10 STRUCTURES SHALL BE COUNTED CUMULATIVELY OVER A FIVE-YEAR PERIOD AND
11 WILL BE CONSIDERED SUBSTANTIAL IMPROVEMENTS WHEN THE CUMULATIVE
12 COST OF THE IMPROVEMENTS HAS INCREASED THE VALUE OF THE STRUCTURE
13 ABOVE 50%.

14 **§ 131-31. INSPECTIONS.**

15 A. AFTER THE ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT BY
16 HARFORD COUNTY, NO CHANGES OF ANY KIND SHALL BE MADE TO THE
17 APPLICATION, PERMIT OR ANY OF THE PLANS, SPECIFICATIONS OR OTHER
18 DOCUMENTS SUBMITTED WITH THE APPLICATION WITHOUT THE WRITTEN
19 CONSENT OF HARFORD COUNTY.

20 B. THE PREMISES SHALL ALSO BE SUBJECT TO INSPECTION BY MDE.

21 C. IF THE DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS
22 DETERMINES THAT THE WORK IS NOT IN COMPLIANCE WITH THE CONDITIONS OF
23 THE FLOODPLAIN AUTHORIZATION, BUILDING PERMIT AND APPLICABLE LAWS,

1 THEY SHALL REVOKE THE BUILDING PERMIT AND REPORT SUCH FACT TO MDE FOR
2 WHATEVER ACTION IT CONSIDERS NECESSARY.

3 D. AN AS-BUILT ELEVATION CERTIFICATE PREPARED BY A REGISTERED
4 PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL ENGINEER REGISTERED IN
5 MARYLAND CERTIFYING THE "AS-BUILT" CONDITION OF THE SUBJECT
6 CONSTRUCTION MUST BE COMPLETED AND THE STRUCTURE ADEQUATELY
7 ELEVATED BEFORE A FRAMING INSPECTION CAN BE CONDUCTED AND APPROVED.
8 IN ADDITION, A CERTIFICATE OF OCCUPANCY SHALL BE REQUIRED FOR ALL
9 CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS IN THE FLOODPLAIN DISTRICT
10 AND SHALL NOT BE ISSUED UNTIL HARFORD COUNTY HAS BEEN PROVIDED WITH
11 THE COMPLETED ELEVATION CERTIFICATE.

12 **§ 131-32. RECORDS.**

13 A RECORD OF ALL FLOODPLAIN AUTHORIZATIONS AND VARIANCE ACTIONS,
14 INCLUDING JUSTIFICATIONS FOR THEIR ISSUANCE, SHALL BE MAINTAINED BY THE
15 DEPARTMENT OF PLANNING AND ZONING. THESE RECORDS SHALL BE AVAILABLE
16 UPON REQUEST BY FEMA OR ITS AUTHORIZED AGENT (STATE NATIONAL FLOOD
17 INSURANCE PROGRAM COORDINATOR) DURING PERIODIC ASSESSMENTS OF
18 HARFORD COUNTY'S PARTICIPATION IN THE NATIONAL FLOOD INSURANCE
19 PROGRAM. ALL DOCUMENTS NEEDED TO SUPPORT ANY FLOODPLAIN
20 AUTHORIZATION SUCH AS ELEVATION CERTIFICATES, VARIANCE ACTIONS, LOMAS
21 AND LOMRS SHALL BE AVAILABLE FOR REVIEW DURING THESE ASSESSMENTS.

22 **§ 131-33. VIOLATIONS.**

23 A. ANY PERSON WHO FAILS TO COMPLY WITH ANY OR ALL OF THE

1 REQUIREMENTS OR PROVISIONS OF THIS CHAPTER SHALL BE GUILTY OF A
2 MISDEMEANOR AND, UPON CONVICTION, SHALL BE FINED NOT MORE THAN \$1,000
3 OR IMPRISONED NOT MORE THAN SIX MONTHS PER OFFENSE, OR BOTH, AT THE
4 DISCRETION OF THE COURT.

5 B. EACH DAY DURING WHICH ANY VIOLATION OF THIS CHAPTER
6 CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

7 C. OTHER REMEDIES. THE COUNTY MAY INSTITUTE INJUNCTIVE OR
8 OTHER APPROPRIATE ACTION OR PROCEEDINGS AT LAW OR EQUITY FOR THE
9 ENFORCEMENT OF THIS CHAPTER. ANY COURT OF COMPETENT JURISDICTION MAY
10 ISSUE RESTRAINING ORDERS, TEMPORARY OR PERMANENT INJUNCTIONS OR OTHER
11 APPROPRIATE FORMS OF REMEDY OR RELIEF TO RESTRAIN OR CORRECT
12 VIOLATIONS OF THIS SECTION.

13 **§ 131-34. PENALTIES AND ADMINISTRATIVE FEES.**

14 A. THE IMPOSITION OF A FINE OR PENALTY FOR ANY VIOLATION OF OR
15 NONCOMPLIANCE WITH THIS CHAPTER SHALL NOT EXCUSE THE VIOLATION OR
16 NONCOMPLIANCE OR PERMIT IT TO CONTINUE, AND ALL SUCH PERSONS SHALL BE
17 REQUIRED TO CORRECT OR REMEDY SUCH VIOLATIONS AND NONCOMPLIANCE
18 WITHIN A REASONABLE TIME.

19 B. ANY STRUCTURE CONSTRUCTED, RECONSTRUCTED, ENLARGED,
20 ALTERED OR RELOCATED IN NONCOMPLIANCE WITH THIS CHAPTER SHALL BE
21 DECLARED BY HARFORD COUNTY TO BE A PUBLIC NUISANCE AND ABATABLE AS
22 SUCH.

23 C. THE FEDERAL INSURANCE ADMINISTRATOR AND MDE SHALL BE

1 NOTIFIED IMMEDIATELY, IN WRITING, OF ANY STRUCTURE OR PROPERTY IN
2 VIOLATION OF 44 C.F.R., CH 1.

3 D. NEW OR RENEWAL NATIONAL FLOOD INSURANCE MAY NOT BE
4 AVAILABLE FOR ANY STRUCTURE REMAINING IN VIOLATION OR SITUATED ON
5 PROPERTY IN VIOLATION OF THIS CHAPTER.

6 **§ 131-35. PUBLIC INFORMATION.**

7 THE DEPARTMENT OF PLANNING AND ZONING SHALL MAINTAIN COPIES OF
8 THE FLOOD INSURANCE STUDY AND THE FIRMS, INCLUDING ALL SUBSEQUENT
9 REVISIONS AND AMENDMENTS TO THE MAPS. COPIES OF THE FIRMS WILL BE MADE
10 AVAILABLE TO THE PUBLIC FOR A FEE. IN ADDITION, THE COUNTY DEPARTMENTS
11 WILL PROVIDE ASSISTANCE AND INFORMATION ON BASE FLOOD ELEVATIONS AND
12 THE FLOOD INSURANCE PURCHASE REQUIREMENTS FOR PROPERTIES IN SPECIAL
13 FLOOD HAZARD AREAS. THE FLOODPLAIN DETERMINATION INFORMATION
14 PROVIDED BY THE DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF
15 PLANNING AND ZONING TO THE PUBLIC IS ADVISORY AND SHALL NOT CONSTITUTE
16 A GUARANTEE AGAINST FLOODING OR A PRECISE DETERMINATION CONCERNING
17 THE FLOOD RISK OF A PARTICULAR PROPERTY.

18 **§ 131-36. FLOOD INSURANCE.**

19 A. HARFORD COUNTY HAS THE RESPONSIBILITY UNDER THE NATIONAL
20 FLOOD INSURANCE ACT, AS AMENDED, TO ADOPT AND ENFORCE THESE
21 FLOODPLAIN MANAGEMENT REGULATIONS AND TO INFORM THE PUBLIC OF
22 MANDATORY FLOOD INSURANCE COVERAGE FOR PROPERTIES LOCATED IN THE
23 SPECIAL FLOOD HAZARD AREAS DEPICTED ON THE FIRMS.

B. AN OWNER OR LESSEE OF PROPERTY WHO BELIEVES THE PROPERTY HAS BEEN ERRONEOUSLY INCLUDED IN A DESIGNATED FLOOD HAZARD ZONE ON THE FIRMS MAY SUBMIT SCIENTIFIC OR TECHNICAL INFORMATION TO FEMA FOR REVIEW FOR A POSSIBLE MAP AMENDMENT.

C. FLOOD INSURANCE MAY BE PROHIBITIVELY EXPENSIVE FOR CONSTRUCTION UNDERTAKEN PURSUANT TO A VARIANCE OBTAINED FROM THE PROVISIONS OF THIS CHAPTER.

SUBDIVISION REGULATIONS

SECTION II. DEFINITIONS.

The following definitions represent the meaning of terms as used in these Regulations:

2.04.1 BASE FLOOD. THE FLOOD HAVING A ONE-PERCENT CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR.

~~**2.19 FLOODPLAIN.** [The channel and a contiguous area of a stream, river or other water body which has been or may reasonably expect to be flooded by flood waters with an average frequency of occurrence on the order of once every one hundred (100) years, as identified in a FEMA Flood Insurance Study or in a more detailed study undertaken or approved by the County. (2.20)] THE AREAS OF A STREAM, RIVER, WATER BODY, THE CONTIGUOUS LAND AND OTHER FLOODPRONE LANDS WHICH ARE SUSCEPTIBLE TO BEING INUNDATED BY WATER FROM ANY SOURCE.~~

2.19 FLOODPLAIN. THE CHANNEL AND A CONTIGUOUS AREA OF A STREAM, RIVER OR OTHER WATER BODY WHICH HAS BEEN OR MAY REASONABLY EXPECT TO BE FLOODED BY THE ONE-PERCENT ANNUAL STORM.

1 **2.19.1 FLOODPLAIN DISTRICT.** THE FLOODPLAIN AREAS REGULATED BY CHAPTER
2 131 OF THE HARFORD COUNTY CODE. THE DISTRICT INCLUDES, AT A MINIMUM, THE
3 SPECIAL FLOOD HAZARD AREAS SHOWN ON THE FIRMS AS ZONE A, AE, AO OR V. AS
4 SUBDIVISION OCCURS, ADDITIONAL FLOODPRONE AREAS SUBJECT TO THE ONE-
5 PERCENT ANNUAL FLOOD WILL BE ADDED TO THE FLOODPLAIN DISTRICT FOR
6 STREAMS THAT DRAIN MORE THAN 100 ACRES.

7 **2.33.1 ONE-PERCENT ANNUAL FLOOD.** A FLOOD THAT HAS A ONE-PERCENT
8 CHANCE OF BEING EQUALLED OR EXCEEDED IN ANY GIVEN YEAR. THIS IS ALSO
9 REFERRED TO AS THE ONE-HUNDRED-YEAR FLOOD OR THE BASE FLOOD.

10 **SECTION IV. REQUIREMENTS FOR THE DEVELOPMENT OF LAND.**

11 **4.02** [The subdivision of land known to be subject to periodic floods will not be approved.] ALL
12 SUBDIVISION OF LAND SHALL CONFORM TO THE FLOODPLAIN MANAGEMENT
13 REGULATIONS IN CHAPTER 131 OF THE COUNTY CODE. FOR SUBDIVISIONS WHICH
14 CONTAIN STREAMS THAT DRAIN MORE THAN 100 ACRES, THE LIMITS OF THE ONE-
15 PERCENT ANNUAL FLOOD SHALL BE DETERMINED IN ACCORDANCE WITH THE
16 PROVISIONS OF CHAPTER 131, FLOODPLAIN MANAGEMENT REGULATIONS.

17 WITHIN NEW SUBDIVISIONS, THE FLOODPLAIN DISTRICT AND ITS NATURAL
18 VEGETATION SHALL BE PRESERVED AND DEDICATED TO NATURAL AREAS, OPEN
19 SPACE, RECREATION AND SIMILAR COMPATIBLE USES BY DEED RESTRICTION,
20 RESTRICTIVE COVENANTS OR DONATION TO A LAND TRUST. (§131-13)

21 **SECTION V. THE PRELIMINARY SUBDIVISION PLAN AND/OR SITE PLAN.**

22 **5.02 INFORMATION REQUIRED.** At a minimum, the preliminary plan and/or site plan shall
23 include the following items. Additional information may be required because of site specific

1 conditions.

2 b. Existing Physical Conditions.

3 6. [One hundred (100) year flood plain as identified in FEMA Flood Insurance
4 Study.] FOR SUBDIVISIONS WHICH CONTAIN STREAMS THAT DRAIN MORE THAN 100
5 ACRES, THE LIMITS OF THE ONE-PERCENT ANNUAL FLOOD SHALL BE DETERMINED
6 BY ACCEPTABLE ENGINEERING STANDARDS IN ACCORDANCE WITH THE
7 PROVISIONS OF CHAPTER 131, FLOODPLAIN MANAGEMENT REGULATIONS. ALL
8 FINAL PLATS SHALL IDENTIFY THE FLOODPLAIN DISTRICT AND THE SOURCE OF
9 THE FLOODPLAIN DELINEATION.

10 7. [Perennial and intermittent streams and tidal waters located on or adjacent to
11 site.] AS IDENTIFIED ON THE GEOGRAPHIC INFORMATION SYSTEM MAINTAINED BY
12 HARFORD COUNTY INFORMATION SYSTEMS DIVISION.

13 **5.03 APPROVAL PROCEDURE.**

14 i. Approval of the preliminary plan and/or site plan shall be set forth in a letter mailed
15 by the Department of Planning and Zoning. This letter may include such conditions as are necessary
16 to meet the standards of the Zoning Code, [and] Subdivision Regulations AND CHAPTER 131,
17 FLOODPLAIN MANAGEMENT REGULATIONS, and must be countersigned by the developer
18 and returned to the Department of Planning and Zoning within 45 days.

19 **SECTION VI. THE FINAL SUBDIVISION PLAN.**

20 **6.01 THE FINAL PLAT** shall conform to the following requirements:

21 d. It shall show the following graphic information:

22 13. [One hundred (100) year floodplain easements.] THE DELINEATION OF
23 THE ONE-HUNDRED-YEAR FLOODPLAIN IN ACCORDANCE WITH CHAPTER 131. ALL

1 AREAS SHALL BE LABELED FLOODPLAIN DISTRICT AND SHALL STATE THE
2 METHODOLOGY USED TO DELINEATE THE BOUNDARIES OF THE BASE FLOOD.

3 Section 2. And Be It Further Enacted that this act shall take effect 60 calendar days from the
4 date it becomes law.

EFFECTIVE: March 6, 2000

Brief Title) Floodplain Management Program

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

James E. Massey
Council Administrator

Date January 4, 2000

ENROLLED

Robert S. Jagan
Vice President of the Council

Date January 4, 2000

BY THE COUNCIL

Read the third time.

Passed: LSD 00-1 (January 4, 2000)

Failed of Passage: _____

By Order

James E. Massey
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5th day of January, 2000, at 10:00 a. m.



James E. Massey
Council Administrator

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date January 5, 2000

BY THE COUNCIL

This Bill (No. 99-60, as amended), having been approved by the Executive and returned to the Council, becomes law on January 5, 2000.

James E. Massey
Council Administrator

EFFECTIVE DATE: March 6, 2000